

HB 86-FN - AS INTRODUCED

2021 SESSION

21-0259

11/04

HOUSE BILL ***86-FN***

AN ACT relative to voter qualifications and registration procedures.

SPONSORS: Rep. Silber, Belk. 2; Rep. Abramson, Rock. 37

COMMITTEE: Election Law

ANALYSIS

This bill:

I. Eliminates election day voter registration and enacts provisions of the National Voter Registration Act.

II. Requires that a voter be registered as a member of a party prior to the date of the primary in order to be eligible to vote in that party's primary.

III. Requires that students enrolled in New Hampshire institutions of learning who wish to register to vote using their address at such institutions attest to the fact that they have qualified for in-state tuition in order to register 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 One

AN ACT relative to voter qualifications and registration procedures.

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

1 1 Voter Registration; Voter Registration Form. Amend RSA 654:7, III to read as follows:

2 III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12,
3 he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and
4 completing the form in subparagraph IV(b), unless the person is registering within 30 days before an
5 election ~~[or at the polling place on election day. If an applicant is registering at the polling place on~~
6 ~~election day and is unable to provide the proof of qualifications as required in RSA 654:12, he or she~~
7 ~~may register by completing the form in subparagraph IV(e) under oath, which oath may be witnessed~~
8 ~~by an election official or any other person, working in conjunction with the supervisors of the~~
9 ~~checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of~~
10 ~~the peace or notary public; should the applicant not otherwise have proof of identity and therefore be~~
11 ~~relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient~~
12 ~~proof of identity for the purposes of any person administering the oath, notwithstanding any~~
13 ~~language to the contrary in any laws relating to the administering of oaths for other purposes].~~

14 2 Voter Registration. Amend the introductory paragraph of RSA 654:7, IV(b)-(c) to read as
15 follows:

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

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

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

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

24 Date _____

VOTER REGISTRATION FORM

26 (Please print or type)

27 1. Name _____

28 Last (suffix) First Full Middle Name

29 2. Domicile Address _____

30 Street Ward Number

31 _____

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1 Town or City Zip Code
2 3. Mailing Address if different than in 2 _____
3 Street
4 _____

5 Town or City Zip Code
6 4. Place and Date of Birth _____
7 Town or City State
8 Date _____

9 5. Are you a citizen of the United States? Yes ____ No ____
10 If a naturalized citizen, give name of court where and date when naturalized
11 _____

12 6. Place last registered to vote _____
13 Street Ward Number

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

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

19 8. Party Affiliation (if any) _____

20 9. Driver's License Number _____ State _____

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

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

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

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

31 ***I understand that if I am registering to vote using the address of the New Hampshire***
32 ***college or university in which I am enrolled, I am attesting to the fact that I have qualified***
33 ***for in-state tuition rates at that institution.***

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

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

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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 purposely 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 starting 30 days before each election [~~and at the polling place on election day~~], 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 registration form is submitted _____

Date applicant moved to the address listed below as the voter's domicile _____

VOTER REGISTRATION FORM

FOR USE STARTING 30 DAYS BEFORE AN ELECTION [~~AND AT THE POLLING PLACE ON ELECTION DAY~~]

(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 _____

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

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

3 _____

4 6. Place last registered to vote _____

5 _____ Street _____ Ward Number _____

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

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

10 _____

11 8. Party Affiliation (if any) _____

12 9. Driver's License Number _____ State _____

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

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

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

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

23 ***I understand that if I am registering to vote using the address of the New Hampshire***
24 ***college or university in which I am enrolled, I am attesting to the fact that I have qualified***
25 ***for in-state tuition rates at that institution.***

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

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

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

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

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

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

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

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

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, or citizenship, 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)

Applicant

Election Official

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

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In accordance with RSA 659:34, the penalty for knowingly or purposely 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. In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.

3 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

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

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

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

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposely 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.

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

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

☐ Identity

☐ Citizenship

☐ Age

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

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

(c) DOMICILE.

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

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

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

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

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

(iii) Purchasing an abode at that place;

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

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

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

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

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

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

(2) Registering within 30 days before an election ~~[and on election day]~~.

(A) When registering within 30 days before an election ~~[or on election day as provided in RSA 654:7-a]~~, if the applicant does not have in his or her possession ~~[at the polls]~~ one of the qualified documents listed in subparagraph (1) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote, he or she may execute a sworn statement on the voter registration form used starting 30 days before an election ~~[and on election day]~~ and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this subparagraph are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and forward verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of a domicile evidence obligation who knowingly or purposely fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any

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1 such person who fails to provide proof of domicile by the deadline by sending the person the notice
2 required by RSA 654:44.

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

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

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

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

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

23 4 Determining Qualifications of Applicant. Amend the introductory paragraph of RSA 654:12,
24 II(b) to read as follows:

25 (b) Any one of the following is presumptive evidence of the identity of an applicant
26 sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the
27 oath of an applicant swearing to a qualified voter[; **or** domicile[; ~~or election day~~] affidavit or a sworn
28 statement on the voter registration form used starting 30 days before an election [~~and on election~~
29 ~~day~~]:

30 5 Determining Qualifications of Applicant. Amend RSA 654:12, III to read as follows:

31 III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration
32 as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship,
33 and domicile relate to the applicant. A person who has in his or her immediate possession a photo
34 identification approved for use by paragraph II must present that identification when applying for
35 registration. A person who does not have an approved photo identification with him or her may
36 establish identity through completion of the qualified voter affidavit, which shall be retained in
37 accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used starting 30

1 days before an election ~~[and on election day]~~. Residents of a nursing home or similar facility may
2 prove their identity through verification of identity by the administrator of the facility or by his or
3 her designee. For the purposes of this section, the application of a person whose identity has been
4 verified by an official of a nursing home or similar facility shall be treated in the same manner as the
5 application of a person who proved his or her identity with a photo identification.

6 6 Determining Qualifications of Applicant. Amend RSA 654:12, V to read as follows:

7 V.(a) The election official approving the application for registration as voter of a person who
8 does not present an approved form of photo identification as proof of identity when registering, shall
9 mark the voter registration form to indicate that no photo identification was presented ~~[and shall~~
10 ~~inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or~~
11 ~~she will receive a letter of identity verification]~~. The person entering the voter information into the
12 centralized voter registration database shall determine if the person is listed in the system as having
13 been previously registered in the town or ward reported by the applicant on the voter registration
14 form. If the person is a new registrant who has not been previously registered anywhere in New
15 Hampshire or if the centralized voter registration database does not confirm a previous registration
16 claimed on the voter registration form, the election official shall cause the record created in the
17 centralized voter registration database to indicate that the person is a new applicant in New
18 Hampshire and that no photo identification was presented. ~~[When municipalities enter information~~
19 ~~on people who register on election day into the centralized voter registration database, to the extent~~
20 ~~practical applicants who are registering for the first time in New Hampshire and who also register~~
21 ~~without presenting an approved photo identification shall be entered first. The person entering the~~
22 ~~voter information of election day residents into the centralized voter registration database shall~~
23 ~~cause the records to indicate if the voter executed a sworn statement on the voter registration form~~
24 ~~used starting 30 days before an election and on election day.~~

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

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

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

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

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

7 Absentee Registration Affidavit. Amend RSA 654:17, I to read as follows:

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

Affidavit (Absence from town)

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

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

2) That, if I am registering to vote using the address of the New Hampshire college or university in which I am enrolled, I have qualified for in-state tuition rates at that institution;

~~[2]~~ **3)** That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

~~[3]~~ **4)** That I am temporarily residing in _____ (city and state or city, province, and country);

~~[4]~~ **5)** That I hereby enclose one of the following as proof of identity and domicile:

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

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

~~[5]~~ **6)** That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

~~[6]~~ **7)** That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

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

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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.

Affidavit (Physical Disability)

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

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

2) That, if I am registering to vote using the address of the New Hampshire college or university in which I am enrolled, I have qualified for in-state tuition rates at that institution;

~~[2)]~~ **3)** That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

~~[3)]~~ **4)** That I hereby enclose one of the following as proof of identity and domicile:

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

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

~~[4)]~~ **5)** That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

~~[5)]~~ **6)** That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

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.

1 8 Voters and Checklists; Application to Town or City Clerk; Changes to be Forwarded; Reference
2 Deleted. Amend RSA 654:34-a, III to read as follows:

III. No application for a change of party affiliation shall be accepted on the day of a primary election, except as provided in RSA 654:34, I ~~and II~~.

5 9 New Subdivision; Additional Voter Registration Procedures. Amend RSA 654 by inserting
6 after section 46 the following new subdivision:

8 654:47 Definitions. In this subdivision:

9 I. "Motor vehicle driver's license" means any personal identification document issued by the
10 department of safety.

11 II. “Voter registration agency” means an office designated to perform specific voter
12 registration activities.

14 I. There are designated the following voter registration agencies:

16 (b) The department of education.

18 (a) Distribution of voter registration application forms in accordance with this chapter.

(b) Assistance to applicants in completing voter registration application forms, unless the applicant refuses the assistance.

(c) Acceptance of completed voter registration application forms for transmittal to the appropriate supervisors of the checklist.

23 III. If a voter registration agency designated under the provisions of this section provides
24 services to a person with a disability at the person's home, the agency shall provide the services
25 described in paragraph II at the person's home.

27 (a) Seek to influence an applicant's political preference;

29 (c) Make any statement to an applicant or take any action, the purpose or effect of which
30 is to discourage the applicant from registering to vote; or

(d) Make any statement to an applicant or take any action, the purpose or effect of which is to lead the applicant to believe that a decision to register to vote has any bearing on the availability of services or benefits.

V. A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall:

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1 (a) Distribute to each applicant for the service or assistance, and with each
2 recertification, renewal, or change of address form relating to the service or assistance, the voter
3 registration application form, including a statement that:

4 (1) Specifies each eligibility requirement, including citizenship;

5 (2) Contains an attestation that the applicant meets the requirement; and

6 (3) Requires the signature of the applicant, under penalty of perjury; or

7 (b) Provide a form that includes:

8 (1) The question, "If you are not registered to vote where you live now, would you
9 like to apply to register to vote here today?"

10 (2) If the agency provides public assistance, the statement, "Applying to register or
11 declining to register to vote will not affect the amount of assistance that you will be provided by this
12 agency."

13 (3) Boxes for the applicant to check to indicate whether the applicant would like to
14 register or decline to register to vote, failure to check either box being considered to constitute a
15 declination to register for purposes of paragraph VI, together with the statement, in close proximity
16 to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
17 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

18 (4) The statement, "If you would like help in filling out the voter registration
19 application form, we will help you. The decision whether to seek or accept help is yours. You may
20 fill out the application form in private."

21 (5) The statement, "If you believe that someone has interfered with your right to
22 register or decline to register to vote, your privacy in deciding whether to register, or in applying to
23 register to vote, you may file a complaint with the State Attorney General." The name, address, and
24 telephone number of the attorney general shall be printed on the form.

25 (c) Provide to each applicant who does not decline to register to vote the same degree of
26 assistance with regard to the completion of the registration application form as is provided by the
27 office with regard to the completion of its own forms, unless the applicant refuses the assistance.

28 VI. No information relating to a declination to register to vote in connection with an
29 application made at voter registration agency may be used for any purpose other than voter
30 registration.

31 VII.(a) A completed registration application accepted at a voter registration agency shall be
32 transmitted to the appropriate supervisors of the checklist not later than 10 days after acceptance.

33 (b) If a registration application is accepted within 5 days before the last day for
34 registration to vote in an election, the application shall be transmitted to the appropriate supervisors
35 of the checklist not later than 5 days after the date of acceptance.

36 654:49 Driver's License Application.

1 I. Each state motor vehicle driver's license application, including a renewal application,
2 submitted to the department of safety, division of motor vehicles, serves as an application for voter
3 registration unless the applicant fails to sign the voter registration application. Failure to sign the
4 voter registration portion of the driver's license application serves as a declination to register.

5 II. An application for voter registration submitted under paragraph I shall be considered to
6 update any previous voter registration by the applicant.

7 III. No information relating to the failure of an applicant for a state motor vehicle driver's
8 license to sign a voter registration application may be used for any purpose other than voter
9 registration.

10 IV. The department of safety, division of motor vehicles, shall include a voter registration
11 form as part of an application for a state motor vehicle driver's license.

12 V. The voter registration application portion of an application for a state motor vehicle
13 driver's license:

14 (a) Shall not require any information that duplicates information required in the driver's
15 license portion of the form, other than a second signature or other information necessary under
16 subparagraph (c);

17 (b) Shall require only the minimum amount of information necessary to:

18 (1) Prevent duplicate voter registrations; and

19 (2) Enable a board of supervisors of the checklist to assess the eligibility of the
20 applicant and to administer voter registration and other parts of the election process;

21 (c) Shall include a statement that:

22 (1) States each eligibility requirement, including citizenship;

23 (2) Contains an attestation that the applicant meets each requirement; and

24 (3) Requires the signature of the applicant under penalty of perjury;

25 (d) Shall include in print identical to that used in the attestation portion of the
26 application:

27 (1) The information required in subparagraph (c);

28 (2) A statement that, if an applicant declines to register to vote, the fact that the
29 applicant has declined to register will remain confidential and will be used only for voter registration
30 purposes; and

31 (3) A statement that, if an applicant does register to vote, the office at which the
32 applicant submits a voter registration application will remain confidential and will be used only for
33 voter registration purposes; and

34 (e) Shall be made available, as submitted by the applicant, to the appropriate
35 supervisors of the checklist.

36 VI. A change of address form submitted in accordance with state law for purposes of a state
37 motor vehicle driver's license serves as notification of change of address for voter registration unless

1 the qualified elector states on the form that the change of address is not for voter registration
2 purposes.

3 VII.(a) A completed voter registration portion of an application for a state motor vehicle
4 driver's license accepted at a state motor vehicle authority must be transmitted to the appropriate
5 supervisors of the checklist no later than 10 days after the date of acceptance.

6 (b) If a registration application is accepted within 5 days before the last day for
7 registration to vote in an election, the application must be transmitted to the appropriate
8 supervisors of the checklist not later than 5 days after the date of acceptance.

9 654:50 Deadlines and Administration.

10 I. In the case of registration with a motor vehicle application under RSA 654:49, the valid
11 voter registration form of the applicant must be completed at the department of safety, division of
12 motor vehicles, no later than 35 days before the date of the election.

13 II. In the case of registration by mail under RSA 654:51, the valid voter registration form of
14 the applicant must be postmarked no later than 35 days before the date of the election.

15 III. In the case of registration at a voter registration agency, the valid voter registration
16 form of the applicant must be completed at the voter registration agency no later than 30 days before
17 the date of the election.

18 IV. In any other case, the valid voter registration form of the applicant must be received by
19 the appropriate supervisors of the checklist no later than 30 days before the date of the election.

20 V.(a) The appropriate supervisors of the checklist shall:

21 (1) Send notice to each applicant of the disposition of the application; and

22 (2) Ensure that the identity of the voter registration agency through which a
23 particular voter is registered is not disclosed to the public.

24 (b) If the notice sent pursuant to the provisions of subparagraph (a)(1) is returned to the
25 supervisors of the checklist as undeliverable, the elector to whom it was sent shall be reported by the
26 supervisors to the secretary of state. The secretary of state shall place the elector in an inactive
27 status on the centralized voter registration database and may remove this elector upon compliance
28 with the provisions of paragraph VI.

29 VI.(a) The secretary of state may not remove the name of a qualified elector from the official
30 list of eligible voters on the ground that the qualified elector has changed residence unless the
31 qualified elector:

32 (1) Confirms in writing that the qualified elector has changed residence to a place
33 outside the town in which the qualified elector is registered; or

34 (2)(A) Has failed to respond to a notice described in subparagraph (b); and

35 (B) Has not voted or appeared to vote and, if necessary, correct the appropriate
36 supervisors of the checklist's record of the qualified elector's address, in an election during the period

beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(b) "Notice," as used in this paragraph, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his or her current address, together with a statement to the following effect:

(1) If the qualified elector did not change his or her residence, or changed residence but remained in the same town, the qualified elector shall return the card no later than 30 days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;

(2) If the qualified elector has changed residence to a place outside the town in which the qualified elector is registered, information as to how the qualified elector can re-register to vote.

(c) The appropriate supervisors of the checklist shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this paragraph.

(d) The requirements of this section must be completed no later than 90 days before the date of a statewide primary or general election.

(e) Each elector whose name has been deleted has 20 days from the date the notice is mailed to appeal. The appeal shall be to the ballot law commission. If the ballot law commission determines that the elector's name should not have been deleted, it shall instruct the secretary of state to restore his or her name to the registration books.

654:51 Registration by Mail. Subject to the requirements of this chapter, any qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than 30 days before any election to the appropriate supervisors of the checklist. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the supervisors of the checklist must accept the application if it is received by mail no later than 5 days after the close of the registration books before any election.

654:52 Application Forms.

I. The secretary of state shall furnish a sufficient number of application forms to the supervisors of the checklist and voter registration agencies so that distribution of the application forms may be made to various locations throughout the state and mailed to persons requesting them.

1 II. Supervisors of the checklist shall distribute application forms to various locations in their
2 respective towns, including town halls and public libraries, where they must be readily available to
3 the public.

4 654:53 Notification of Change of Address.

5 I. A qualified elector who has moved from an address in a town or ward to an address in the
6 same town or ward shall, notwithstanding failure to notify the supervisors of the checklist of the
7 change of address prior to the date of an election, be permitted to vote at that town or ward's polling
8 place upon oral or written affirmation by the qualified elector of the change of address before an
9 election official at that polling place.

10 II. A qualified elector who has moved from an address in one town or ward to an address in
11 another town or ward and who has failed to notify the appropriate supervisors of the checklist of the
12 change of address before the date of an election, at the option of the elector shall be permitted to
13 correct the voting records and vote provisional ballots containing only the races for federal and
14 statewide offices pursuant to the provisions of this subdivision at the elector's former polling place,
15 upon oral or written affirmation by the elector of the new address before an election official at that
16 polling place.

17 III. If the registration records indicate inaccurately that a qualified elector has moved from
18 an address in the town or ward, the elector shall be permitted to vote at that polling place, upon oral
19 or written affirmation by the elector before an election official at that polling place that the qualified
20 elector continues to reside at his or her address.

21 654:54 Provisional Voting Requirements. If an individual declares that such individual is a
22 registered voter in the town or ward in which the individual desires to vote and that the individual is
23 eligible to vote in an election for federal office, but the name of the individual does not appear on the
24 official list of eligible voters for the polling place or an election official asserts that the individual is
25 not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

26 I. An election official at the polling place shall notify the individual that the individual may
27 cast a provisional ballot in that election.

28 II. The individual shall be permitted to cast a provisional ballot at that polling place upon
29 the execution of a written affirmation by the individual before an election official at the polling place
30 stating that the individual is:

31 (a) A registered voter in the town or ward in which the individual desires to vote; and

32 (b) Eligible to vote in that election.

33 III. An election official at the polling place shall transmit the ballot cast by the individual or
34 the voter information contained in the written affirmation executed by the individual under
35 paragraph II to an appropriate state or local election official for prompt verification under paragraph
36 IV.

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1 IV. If the appropriate state or local election official to whom the ballot or voter information
2 is transmitted under paragraph III determines that the individual is eligible under state law to vote,
3 the individual's provisional ballot shall be counted as a vote in that election in accordance with state
4 law.

5 V.(a) At the time that an individual casts a provisional ballot, the appropriate state or local
6 election official shall give the individual written information that states that any individual who
7 casts a provisional ballot will be able to ascertain under the system established under subparagraph
8 (b) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not
9 counted.

10 (b) The appropriate state or local election official shall establish a free access system,
11 such as a toll-free telephone number or an Internet website, that any individual who casts a
12 provisional ballot may access to discover whether the vote of that individual was counted, and, if the
13 vote was not counted, the reason that the vote was not counted.

14 10 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

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

20 Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,
21 and Disability:

22 I hereby declare that (check one):

23 _____ I am a duly qualified voter who is currently registered to vote in this town/ward.

24 _____ I am absent from the town/city where I am domiciled and will be until after the next
25 election, or I am unable to register in person due to a disability, and request that the forms
26 necessary for absentee voter registration be sent to me with the absentee ballot.

27 I will be entitled to vote by absentee ballot because (check one):

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

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

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

36 _____ I am unable to vote in person due to a disability.

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

Applicant's Phone Number : _____

Applicant's Email Address : _____

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

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

Signature _____

Print Name _____

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

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

11 Absentee Voting; Presidential Primary. Amend RSA 657:13 to read as follows:

657:13 Provisions for State or Presidential Primary Elections. Upon receipt of a properly executed application for an official absentee ballot for a state or presidential primary election, whether the form supplied by the secretary of state or a written statement containing the information required by RSA 657:4, I, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the checklist and to be properly registered ~~[or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he or she is applying for a ballot of a political party, the person shall be registered as a member of said party; and, in either case]~~, the clerk shall send the materials provided for in RSA 657:15. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

12 Absentee Voting; Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted

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1 unless the applicant submits the documents necessary to complete an absentee registration. The
2 applicant shall be advised in writing what documents, if any, have been received in proper form and
3 which the applicant must submit in the outer envelope that contains the absentee ballot envelope.
4 The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and
5 the outer envelope with the words "Not Registered." Upon receipt of an outer envelope marked "Not
6 Registered," the clerk shall open the outer envelope. If the applicant returns the required documents
7 with the absentee ballot by the date set for correcting the checklist under RSA 654:27 and RSA
8 654:28, the town or city clerk shall forward the registration forms to the supervisors of the checklist
9 and, if the applicant is found to be qualified, the applicant shall be registered and his or her absentee
10 ballot shall be processed in the same manner as the absentee ballot of a previously registered voter.
11 ~~[All documents received after the deadline for correcting the checklist under RSA 654:27 and RSA~~
12 ~~654:28 shall be processed as election day registrations under RSA 654:7-a.]~~ If the ballot is returned
13 without the required documents in proper form, the ballot shall be marked in the manner set forth
14 by law for successfully challenged absentee ballots and preserved in accordance with RSA 33-A:3-a.
15 The clerk shall preserve the application of any applicant who is not registered as a voter until the
16 time set by law for the destruction of the ballots after the election at which time the application shall
17 be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or
18 she may order to require that the name of the person making application for an absentee ballot be
19 placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

20 13 Assistant Election Officials; Appointment. Amend RSA 658:7 to read as follows:

21 658:7 Appointment. For all state elections, the moderator is authorized to appoint an assistant
22 moderator who shall take the oath of office in the same manner as the moderator. The moderator
23 may also appoint such other election officials as he or she deems necessary and request the town
24 clerk to appoint an assistant town clerk. The assistant moderator, assistant town clerk, and said
25 other election officials shall take the oath of office and perform such duties and have such powers as
26 the moderator may delegate to them, except that the power of making the declaration of the vote
27 cast shall not be delegated to them. ~~[The supervisors of the checklist are authorized to appoint~~
28 ~~assistant supervisors of the checklist who shall be assistant election officials and have the powers of~~
29 ~~supervisors for the purpose of registering voters on election day.]~~ The provisions of this section shall
30 apply only to the appointment of assistant election officials to serve at the central polling place.
31 Appointment of officers to act at additional polling places shall be accomplished as provided in RSA
32 658:14.

33 14 Statutes Posted; References Deleted. Amend RSA 658:29 to read as follows:

34 658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the
35 following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in
36 the polling place at all elections: ~~[RSA 654:7-a, RSA 654:7-b;]~~ RSA 659:13, RSA 659:13-b, RSA
37 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38,

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1 RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary
2 of state shall include any other statutes or regulations that are required to be posted by state or
3 federal law. The secretary of state may also include statutes or regulations that, in the secretary of
4 state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the
5 voter believes that his or her voting rights are being violated.

6 15 Letter of Identity Verification. Amend RSA 659:13, IV(a) to read as follows:

7 (a) The secretary of state shall cause a letter of identity verification to be mailed by first
8 class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption
9 in accordance with paragraph I[, ~~unless the same person is sent letter of identity verification~~
10 ~~pursuant to RSA 654:12, V(b)~~]. The letter shall be mailed by January 10 in every odd-numbered
11 year in the case of persons executing challenged voter affidavits or affidavits of religious exemption
12 at a state primary or general election, or within 90 days after any other election. The secretary of
13 state shall mark the envelope with instructions to the United States Post Office not to forward the
14 letter and to provide address correction information. The letter shall notify the person that a person
15 who did not present valid photo identification voted using his or her name and address and instruct
16 the person to return the letter within 30 days with a written confirmation that the person voted or to
17 contact the attorney general immediately if he or she did not vote. The letter shall also inform the
18 person of the procedure for obtaining a free nondriver's picture identification card for voting
19 purposes.

20 16 Letter of Identity Verification. Amend RSA 659:13, IV(c) to read as follows:

21 (c) Within 60 days after any election held after November 1, 2012, the secretary of state
22 shall compile a report by voting district of the number of voters ~~[who registered]~~ or voted on election
23 day but did not present valid photo identification, and forward the report to the speaker of the house
24 of representatives, the president of the senate, and the chairpersons of the appropriate house and
25 senate standing committees with jurisdiction over election law.

26 17 Voting Procedure; Special Provisions for State and Presidential Primary Elections. Amend
27 RSA 659:14, I to read as follows:

28 I. A person desiring to vote at a state or presidential primary election shall, at the time of
29 announcing the person's name, also announce the name of the party to which the person belongs ~~[or~~
30 ~~whether the person is registered as an undeclared voter]~~. ~~[If the person's party membership has been~~
31 ~~registered before,]~~ The person shall be given only the ballot of the party with which the person is
32 registered~~[, unless the person desires to vote the ballot of a party not having official existence at the~~
33 ~~time the person's party membership was previously registered, in which case the person may vote~~
34 ~~the ballot of such a party in the state primary election immediately following the political~~
35 ~~organization's official existence as a party, and not in any subsequent state primary election. A~~
36 ~~person may also vote the ballot of such a party in the presidential primary election only if the~~
37 ~~presidential primary election precedes the state primary election to be held in that same year. If the~~

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1 ~~rules of a party permit a person who is registered as an undeclared voter to vote in the party's~~
2 ~~primary, any person desiring to vote in that party's primary shall also announce the name of that~~
3 ~~party at the time of announcing the person's name.] No person shall be permitted to vote in any~~
4 more than one party primary during any primary election.

5 18 Penalties for Voter Fraud. Amend RSA 659:34, I(a) to read as follows:

6 (a) When registering to vote; when obtaining an official ballot; when casting a vote by
7 official ballot; or when applying for a photo identification card for voting purposes, purposely or
8 knowingly makes a false material statement regarding his or her qualifications as a voter to an
9 election officer or submits a voter registration form, ~~[an election day registration affidavit,]~~ a
10 qualified voter affidavit, a challenged voter affidavit, an affidavit of religious exemption, an
11 identification card voucher, or an absentee registration affidavit containing false material
12 information regarding his or her qualifications as a voter;

13 19 Neglect by Moderator and Clerk. Amend RSA 659:77, IV to read as follows:

14 IV. An election monitor appointed under paragraph III shall have full access to the polling
15 place, including authority to directly observe ~~[the registration of voters on election day,]~~ the checking
16 in of voters by inspectors of elections, assistance to voters with disabilities, the use of the accessible
17 voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots,
18 and may handle marked ballots for the purposes of instruction during the counting and tabulating
19 process.

20 20 Preparation of Special Ballots. Amend RSA 668:5 to read as follows:

21 668:5 Preparation of Special Ballots. For any state election, the secretary of state shall prepare
22 special ballots for the voters of all unincorporated places. For purposes of this section, "special
23 ballots" shall mean the ballots to be used by all unincorporated places in the same state
24 representative district as opposed to separate ballots for each unincorporated place. These special
25 ballots shall have no location printed on them, but shall have a space where the name of an
26 unincorporated place shall be entered by the town clerk of the designated town. The secretary of
27 state shall print only the names of candidates for offices for which the voters of the unincorporated
28 place are entitled to vote, as provided in RSA 668:4. It shall be the duty of the town clerk to make
29 ready in advance a sufficient number of ballots for each person on the official checklist of the
30 unincorporated places. ~~[If it is necessary because of election day registrations, extra ballots shall be~~
31 ~~prepared and the number attested to at the end of the voting.]~~ In all other respects, such special
32 ballots shall be printed and forwarded to the town clerk in the same manner as the other ballots for
33 the designated town.

34 21 Repeal. The following are repealed:

35 I. RSA 654:7-a, relative to election day registration.

36 II. RSA 654:7-b, relative to effect of registration on election day.

37 III. RSA 654:7-c, relative to observation of voter registration.

- 1 IV. RSA 654:34, II(b), relative to registration of undeclared voters at a primary.
- 2 V. RSA 654:34, III, relative to change of party registration by undeclared voter voting in
- 3 primary.
- 4 VI. RSA 654:34, V, relative to primary day registration cards.
- 5 VII. RSA 659:14, II, relative to party rules permitting undeclared voters to vote in primary.
- 6 VIII. RSA 659:27, III, relative to challenges at voter registration table.
- 7 IX. RSA 659:73, V(a), relative to report of registrations.
- 8 22 Effective Date. This act shall take effect January 1, 2022.

**HB 86-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to voter qualifications and registration procedures.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	☒ General	☐ Education	☐ Highway	☐ Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

The Department of State was contacted for a fiscal note worksheet on December 24, 2020 and again on January 12, 2021, which the Department has not supplied as of January 13, 2021.

METHODOLOGY:

This bill eliminates election day voter registration and enacts provisions of the National Voter Registration Act (Motor Voter). It also prohibits undeclared voters from changing their registration to a member of a party on election day and makes other changes to election laws.

The Department of Justice works with the Secretary of State's office to train election officials. The Department states additional training may be needed for election officials and other state personnel who will be working at designated registration agencies. The Department cannot estimate how the bill will impact its workload and what additional expenditures may be needed, therefore the fiscal impact is indeterminable.

The New Hampshire Municipal Association states that the bill would reduce the workload of the supervisors of the checklist by eliminating election day registration but the National Voter Registration Act would increase this workload on other days. The net change would vary by

community, and any cost for paid compensation would also vary, but such cost is indeterminable. There should be no impact on municipal revenues.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class B Misdemeanor	\$55	\$55
Class A Misdemeanor	\$78	\$78
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable

Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120
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Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of State, Corrections and Justice, Judicial Council, New Hampshire Association of Counties, and New Hampshire Municipal Association