HB 586 - AS INTRODUCED

2023 SESSION

23-0413
06/08

HOUSE BILL ***586***

AN ACT relative to absentee voting due to absence.

SPONSORS: Rep. Faulkner, Ches. 10

COMMITTEE: Election Law

ANALYSIS

This bill modifies the permissible and impermissible reasons for obtaining an absentee ballot.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to absentee voting due to absence.

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

1 Absentee Voting Eligibility. Amend RSA 657:1, I to read as follows:

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 place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term [~~" employment "~~] ***"employment"*** shall include the care of children and infirm adults, with or without compensation. ***A person who is unable to appear during polling hours at his or her polling place because of a good faith concern that travel to or presence at the polling place may endanger that voter's health or safety shall be considered absent for the purposes of this chapter. A person who is unable to appear during polling hours at his or her polling place because of a lack of convenient and affordable transportation to or from the polls shall be considered absent for the purposes of this chapter.***

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

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

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

I hereby declare that (check one):

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

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

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

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

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

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

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

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

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

_____ ***I cannot appear at any time during polling hours at my polling place because of a concern that travel to or attendance at the polling place may endanger my health or safety.***

_____ ***I cannot appear at any time during polling hours at my polling place because of a lack of convenient and affordable transportation to and from the polls.***

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

_____ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.

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

Any person who votes or attempts to vote using an absentee ballot [~~who is~~] ***knowing they are*** not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

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

_____ Presidential Primary to be held on

_____

(MM/DD/YYYY)

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

_____ State Primary to be held on

_____

(MM/DD/YYYY)

_____ General Election

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

_____ Republican Party

_____ Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)
and am requesting a ballot for that party's primary.
Please print:
Applicant's Name:
_____
(Last) (First) (Middle) (Sr., Jr., II., III)
Applicant's Voting Domicile (home address):
_____
(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)
Mail the ballot to me at this address (if different than the home address):
_____
(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
_____

3 Absentee Voting; Misusing Ballot. Amend RSA 657:24 to read as follows:

657:24 Misusing Absentee Ballot. Whoever, prior to the closing of the polls or the time of processing absentee ballots on election day, shall show or exhibit an unsealed absentee ballot to any person or shall use an absentee ballot for any purpose except to vote the same shall be guilty of a misdemeanor; provided that this provision shall not apply to any person engaged in printing or distributing or otherwise dealing with said ballots according to law, to any voter who because of blindness or disability is unable to mark his or her ballot, or to any person who assists a blind voter or a voter with a disability who needs assistance in marking his or her ballot pursuant to RSA 657:17, I. Anyone [~~who votes or attempts to vote under the provisions of this chapter who is not entitled to vote by absentee ballot or anyone~~] who knowingly votes or attempts to vote in violation of this chapter shall be guilty of a misdemeanor.

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