HB 639 - AS INTRODUCED

2017 SESSION

17-0742
03/05

HOUSE BILL ***639***

AN ACT relative to affidavits used to prove qualifications to vote.

SPONSORS: Rep. Bates, Rock. 7

COMMITTEE: Election Law

ANALYSIS

This bill limits the use of affidavits to prove qualifications to vote to persons registering to vote at the polling place on election day. This bill also eliminates separate voter registration forms for persons registering at the polling place.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to affidavits used to prove qualifications to vote.

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

1 Voter Registration Form. Amend the introductory paragraph of RSA 654:7, IV(b) to read as follows:

(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:

2 Determining Qualifications of Applicant. Amend the introductory paragraph of RSA 654:12, I(a) 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 general election day voter registration form,~~] or any other reasonable documentation which indicates the applicant is a United States citizen ***or, if the person is registering at the polling place on election day, a qualified voter affidavit***. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

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

(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 general election day voter registration form~~].

4 Determining Qualifications of Applicant. Amend the introductory paragraph of RSA 654:12, I(c) to read as follows:

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant ***is registering at the polling place on election day and*** does not have reasonable documentation in his or her possession at the place and time of voter registration, [~~a sworn statement on the general election day voter registration form,~~] or an affidavit in the following form, which shall be retained in accordance with RSA 33-A:3-a:

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

(b) Any one of the following is presumptive evidence of the identity of an applicant

sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a qualified voter, domicile, or election day affidavit [or a sworn statement on the general election day voter registration form]:

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

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who ***is registering at the polling place on election day and*** does not have an approved photo identification with him or her may establish identity through completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a[~~, or a sworn statement on the general election day voter registration form~~]. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

7 Determining Qualifications of Applicant. Amend RSA 654:12, V(a) to read as follows:

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

8 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons

executing domicile affidavits [~~and sworn statements on the general election day voter registration form~~] 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.

9 Repeal. The following are repealed:

I. RSA 654:7, III, relative to proof of qualifications.

II. RSA 654:7, IV(c), relative to voter registration form to be used at the polling place.

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