

Amendment to SB 527-FN-LOCAL

1 Amend the bill by replacing section 1 with the following:

2

3 1 Absentee Voting Application Form. Amend RSA 657:4, I to read as follows:

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

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

11 I hereby declare that (check one):

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

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

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

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

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

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

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

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

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

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

6 The applicant must sign this form to receive an absentee ballot. ~~[The signature on this form~~
7 ~~must match the signature on the affidavit envelope in which the absentee ballot is returned, or the~~
8 ~~ballot may be rejected.] Any person who **witnesses and** assists a voter with a disability in~~
9 ~~executing this form shall [make a statement acknowledging the assistance on] **print and sign his**~~
10 ~~**or her name in the space provided on** the application form [to assist the moderator when~~
11 ~~comparing signatures on election day]. **The moderator will not compare the voter's signature**~~
12 ~~**on the application with the signature on the absentee ballot affidavit when a person**~~
13 ~~**assisting the voter has signed the statement on the absentee ballot application or affidavit**~~
14 ~~**envelope that assistance was provided.**~~

15
16 Amend RSA 659:50, I(c) as inserted by section 3 of the bill by replacing it with the following:

17
18 ~~[H.]~~ (c) ~~[The signature]~~ *If the affidavit or application shows that the voter*
19 *received assistance, the absentee voter shall be processed as verified. Otherwise, the*
20 *signatures on the affidavit shall be examined to determine if it appears to be executed by the*
21 *same person who signed the application*~~[, unless the voter received assistance because the voter is~~
22 ~~blind or has a disability; and].~~

23
24 Amend the bill by replacing all after section 3 with the following:

25
26 4 Absence, Religious Observance, and Disability Absentee Voting. Amend RSA 657:1 to read as
27 follows:

28 657:1 Absence, Religious Observance, and Disability Absentee Voting.

29 **I.** Any person who is absent on the day of any state election from the city, town, or
30 unincorporated place in which he or she is registered to vote or who cannot appear in public on any
31 election day because of his or her observance of a religious commitment or who is unable to vote
32 there in person by reason of physical disability may vote at such elections as provided in this
33 chapter. A person who is unable to appear at any time during polling hours at his or her polling
34 place because of an employment obligation shall be considered absent for purposes of this chapter.
35 For the purposes of this section, the term "employment" shall include the care of children and
36 infirm adults, with or without compensation.

37 **II.** *When the National Weather Service has issued a winter storm warning,*

1 *blizzard warning, or ice storm warning for election day applicable to the city, town, or*
2 *unincorporated place:*

3 (a) *A person who is elderly or infirm or who has a physical disability, who*
4 *otherwise would have voted in person but has concerns for his or her safety traveling in*
5 *the storm, shall be considered absent for purposes of this chapter and may vote absentee*
6 *on the Monday immediately prior to the election.*

7 (b) *A person who cares for children or infirm adults who reasonably*
8 *anticipates that school, child care, or adult care will be canceled, who otherwise would*
9 *have voted in person but will be deterred from voting by the need to care for children or*
10 *infirm adults, shall be considered absent for purposes of this chapter and may vote*
11 *absentee on the Monday immediately prior to the election.*

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

19 5 Absentee Voting; Materials. Amend RSA 657:7, II(a)-(b) to read as follows:

20 (a) Absence from City or Town. A person voting by absentee ballot because of absence
21 from the city or town in which he or she is entitled to vote shall fill out and sign the following
22 certificate:

23 I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the
24 city or town of _____, New Hampshire, in ward _____; that I will be unable to
25 appear at any time during polling hours at my polling place because I will be working on election
26 day, *or I am voting on the Monday immediately prior to the election, the National Weather*
27 *Service has issued a winter storm warning, blizzard warning, or ice storm warning, and I*
28 *am elderly or infirm, have a physical disability, or have to care for children or infirm*
29 *adults, or I will be otherwise absent on election day from said city or town and will be unable to*
30 *vote in person; that I have carefully read (or had read to me because I am blind) the instructions*
31 *forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and*
32 *sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope*
33 *because I am blind). For the purposes of this certification, the term "working" shall include the care*
34 *of children and infirm adults, with or without compensation.*

35 (Signature) _____

36 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
37 information when registering to vote or voting is a class A misdemeanor with a maximum sentence

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1 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
2 vote or voting is subject to a civil penalty not to exceed \$5,000.

3 (b) Absence Because of Religious Observance or Physical Disability. A person voting by
4 absentee ballot because of religious observance or physical disability shall fill out and sign the
5 following certificate:

6 I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the
7 city or town of _____, New Hampshire, in ward _____; that I will be observing a
8 religious commitment which prevents me from voting in person or that on account of physical
9 disability I am unable to vote in person; that I have carefully read (or had read to me because I am
10 blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally
11 marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and
12 sealing it in this envelope because I am blind).

13 (Signature) _____

14 ~~[The signature on this affidavit must match the signature on the application for an absentee~~
15 ~~ballot or the ballot may be rejected. A person assisting a blind voter or voter with a disability who~~
16 ~~needs assistance executing this affidavit shall make and sign a statement on this envelope~~
17 ~~acknowledging the assistance in order to assist the moderator when comparing signatures on~~
18 ~~election day.]~~

19 ***The signature on this affidavit must appear to be executed by the same person who***
20 ***signed the absentee ballot application. A person assisting a disabled or blind voter shall***
21 ***make and sign a statement on this envelope in the space provided acknowledging the***
22 ***assistance. The moderator will not compare the voter's signature on this affidavit with***
23 ***the signature on the absentee ballot application when a person assisting the voter has***
24 ***signed the statement on the affidavit that assistance was provided.***

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

29 6 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:
30 669:26 Absentee Voting.

31 ***I.*** Every town which has adopted an official ballot system for town elections as provided in
32 RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such
33 a town on the day of a town election, or who cannot appear in public on election day because of his
34 or her observance of a religious commitment, or who, by reason of physical disability, is unable to
35 vote in person may vote at a town election in accordance with the provisions of this section and RSA
36 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her
37 polling place because of an employment obligation shall be considered absent for purposes of this

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1 section and RSA 669:27-669:29. For the purposes of this section, the term "employment" shall
2 include the care of children and infirm adults, with or without compensation.

3 ***II. When the National Weather Service has issued a winter storm warning,
4 blizzard warning, or ice storm warning for election day applicable to the town:***

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

9 ***(b) A person who cares for children or infirm adults who reasonably
10 anticipates that school, child care, or adult care will be canceled, who otherwise would
11 have voted in person but will be deterred from voting by the need to care for children or
12 infirm adults, shall be considered absent for purposes of this section and RSA 669:27-
13 669:29 and may vote absentee on the Monday immediately prior to the election.***

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

21 7 Effective Date. This act shall take effect January 1, 2019.

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2018-1656h

AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters. This bill also establishes additional absentee voting eligibility if a weather emergency is anticipated for election day.