

1 Committee of Conference Report on SB 218, relative to absentee ballot outer envelopes.

2

3 Recommendation:

4 That the Senate recede from its position of nonconcurrence with the House amendment, and
5 concur with the House amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the
7 House, and pass the bill as so amended:

8

9 Amend the bill by replacing all after the enacting clause with the following:

10

11 1 Absentee Registration Affidavit. Amend RSA 654:17 to read as follows:

12

654:17 Absentee Registration Affidavit.

13

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

15

Affidavit (Absence from town)

16

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

18

1) That ***I am a citizen of the United States***, my legal domicile is in the town of _____,

19

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

22

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

25

3) That I am temporarily residing in _____ (city and state or city, province, and country);

26

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

27

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

30

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

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1 ~~to provide such a letter upon my request;]~~ ***copies of the applicable documentation required by***
2 ***RSA 654:12 to establish my citizenship, age, domicile, and identity as qualifications to vote;***

3 5) That I acknowledge that if I do not provide a copy of [~~proof of identity and domicile]~~ ***the***
4 ***documentation*** as required by section 4) above, this application [~~may~~] ***shall*** 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
6 used at said election.

7 _

8 Signature of Applicant

9 Date

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

14 Affidavit (Physical Disability)

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

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

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

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

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

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

31 ~~to provide such a letter upon my request;]~~ ***copies of the applicable documentation required by***
32 ***RSA 654:12 to establish my citizenship, age, domicile, and identity as qualifications of vote.***

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

35 5) That I hereby make application for the addition of my name to the checklist of said town to be
36 used at said election.

37 _

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1 Signature of Applicant

2 -

3 Date

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

8 II. There shall be printed below each of the foregoing affidavits the following affirmation:

9 Affirmation

10 I, _____, the undersigned witness, do hereby swear or affirm, under the penalties for voting
11 fraud set forth below, that on the _____ day of _____, ____ (date), the above named,
12 _____, having satisfied me as to his or her identity, signed the foregoing affidavit in my
13 presence, and did before me swear to (or affirm) the truth of the statements therein contained **and**
14 ***the authenticity and accuracy of the documentation submitted therewith.***

15 -

16 Signature of Witness

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

21 2 Submission; Effect. Amend RSA 654:19 to read as follows:

22 654:19 Submission; Effect. The applicant shall forward the absentee registration affidavit ***with***
23 ***supporting documentation*** and the applicant's voter registration form to the clerk of the town or
24 city named for submission to the supervisors of the checklist. If the supervisors find that the
25 affidavit ***with supporting documentation*** and the voter registration form are properly executed,
26 they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13,
27 and 654:15, except that in the case of an absentee voter they shall accept an absentee registration
28 affidavit ***with supporting documentation*** and a registration form.

29 3 Verification of In-Person Absentee Voter. Amend RSA 657:17-a to read as follows:

30 657:17-a Verification of In-Person Absentee Voter.

31 I. An absentee voter who returns his or her completed absentee ballot to the clerk's office in
32 person shall be treated as a verified voter provided[:]

33 [~~(a) The~~] ***that the*** voter voluntarily shows the clerk a photo identification that meets the
34 requirements of RSA 659:13[~~;-or~~]

35 [~~(b) The voter voluntarily completes a challenged voter affidavit in the same manner as is~~
36 ~~required for an election day voter who does not present a qualified voter identification].~~

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1 II. The clerk shall mark the absentee ballot affidavit enveloped "voter verified" and note on
2 the clerk's list of absentee voters that the voter has been verified. The verified voter's signatures on
3 the application for an absentee ballot shall not be compared to the voter's signature on the absentee
4 ballot affidavit on election day.

5 III. A voter who does not present a qualified photo identification [~~and who does not complete~~
6 ~~a challenged voter affidavit~~] shall not be treated as a verified voter, and his or her signatures on the
7 application for an absentee ballot shall be compared to his or her signature on the absentee ballot
8 affidavit on election day in the same manner as other absentee voters.

9 4 Absentee Ballots and Related Materials; Outer Envelopes. Amend RSA 657:7, II and III to
10 read as follows:

11 II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the
12 following:

13 YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

14 I do hereby certify under the penalties for voting fraud set forth below that:

15 I am a voter in the city or town of _____, New Hampshire.

16 One of the following applies to me:

17 1) I will be absent on election day. Absence includes:

18 a) I will be out-of-town on election day.

19 b) I will be unable to vote in person because I will be working.

20 c) I will be unable to vote in person because I will be caring for children or infirm adults, with or
21 without compensation.

22 d) I am voting absentee on the Monday immediately before the election, the National Weather
23 Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to
24 my town/ward, and I have concerns for traveling in the storm.

25 2) I am unable to vote in person due to disability.

26 3) I am unable to vote in person due to observance of a religious commitment, which prevents me
27 from voting in person.

28 4) I am confined to a penal institution for a misdemeanor or while awaiting trial.

29 I have carefully read or had read to me the absentee voting instructions. I personally marked the
30 absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the
31 absentee ballot.

32 Voter Signature _____

33 **Printed Name** _____

34 **Voter Address** _____

35 A person assisting a voter with a disability shall sign this statement on this envelope acknowledging
36 the assistance.

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1 I attest that I assisted (print voter name) _____ because the voter is a person with a
2 disability. I marked the ballot and/or this form as instructed by the voter.

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

7 III. Return envelopes of size sufficient to contain the preceding envelope addressed to the
8 town and city clerks of the state in which absentee voters shall return their ballots, **if such ballots**
9 **are returned by mail**. On the envelopes shall be printed "Enclosed is the ballot of an absentee
10 voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or
11 City" appropriately printed thereon. **Absentee ballots returned to town or city clerks in person**
12 **shall not be required to be placed in such outer envelopes**.

13 5 Absentee Voting; Refusal to Certify; Procedure. Amend RSA 657:16 to read as follows:

14 657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or
15 city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk
16 shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted
17 unless the applicant submits the documents necessary to complete an absentee registration. The
18 applicant shall be advised in writing what documents, if any, have been received in proper form and
19 which the applicant must submit. **If the applicant submits such documents via mail, he or she**
20 **shall do so by enclosing them** in the outer envelope that contains the absentee ballot envelope.
21 **An applicant hand delivering such documents need not enclose them in the outer envelope.**

22 The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and
23 the outer envelope, **if applicable**, with the words "Not Registered." Upon receipt of ~~an~~ **a mailed**
24 outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant
25 returns the required documents with the absentee ballot by the date set for correcting the checklist
26 under RSA 654:27 and RSA 654:28, the town or city clerk shall forward the registration forms to the
27 supervisors of the checklist and, if the applicant is found to be qualified, the applicant shall be
28 registered and his or her absentee ballot shall be processed in the same manner as the absentee
29 ballot of a previously registered voter. All documents received after the deadline for correcting the
30 checklist under RSA 654:27 and RSA 654:28 shall be processed as election day registrations under
31 RSA 654:7-a. If the ballot is returned without the required documents in proper form, the ballot
32 shall be marked in the manner set forth by law for successfully challenged absentee ballots and
33 preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any
34 applicant who is not registered as a voter until the time set by law for the destruction of the ballots
35 after the election at which time the application shall be destroyed. Any justice of the superior court
36 has jurisdiction in equity upon such notice as he or she may order to require that the name of the

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1 person making application for an absentee ballot be placed upon the checklist or registered as a
2 member of any party and be sent an absentee ballot.

3 6 Absentee Voting; Procedure by Voter. Amend RSA 657:17, I to read as follows:

4 I. After marking the ballot, the voter or the person assisting a blind voter or voter with a
5 disability who is unable to mark his or her ballot shall enclose and seal the same in an inner
6 envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or
7 voter with a disability who needs assistance executing the affidavit shall sign a statement on the
8 affidavit envelope acknowledging the assistance. **If the voter or the person assisting the blind voter
9 or voter with a disability who needs assistance *is mailing the absentee ballot to the town or city
10 clerk, the voter or the person assisting the blind voter or voter with a disability* shall enclose
11 and seal the ~~inner~~ envelope with the affidavit **and return it to the town/city clerk. If the
12 envelope with the affidavit is mailed it shall be sealed** in ~~an~~ **the** outer envelope **provided.**
13 The voter or the person assisting a blind voter or voter with a disability shall then endorse on the
14 outer envelope the voter's name, address, and voting place. The absentee ballot shall be delivered to
15 the city or town clerk from whom it was received in one of the following ways:**

16 (a) The voter or the voter's delivery agent may personally deliver the envelope, **in which
17 case the voter or the voter's delivery agent need not enclose the affidavit envelope in the
18 outer envelope;** or

19 (b) The voter or the person assisting the blind voter or voter with a disability may mail
20 the **ballot and affidavit envelope within the outer** envelope to the city or town clerk, with
21 postage affixed.

22 7 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

23 657:18 Procedure by Clerk. Upon receipt of an outer envelope **or an affidavit envelope**
24 purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to
25 RSA 657:16, attach thereto the application for an absentee ballot **to the envelope** submitted by said
26 voter and record the information pursuant to RSA 657:15. ~~[All such envelopes]~~ **The envelopes** shall
27 be preserved unopened until ~~[election day]~~ **processed in accordance with RSA 659:50.**

28 8 Effective Date. This act shall take effect 60 days after its passage.

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The signatures below attest to the authenticity of this Report on SB 218, relative to absentee ballot outer envelopes.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Gray, Dist. 6

Rep. Berry, Hills. 44

Sen. Lang, Dist. 2

Rep. Qualey, Ches. 18

Sen. Rochefort, Dist. 1

Rep. Burnham, Straf. 2

Rep. Guzofski, Rock. 1

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2025-2835-CofC

AMENDED ANALYSIS

This bill requires absentee ballot voters to submit information demonstrating citizenship, age, domicile, and identity in order to qualify to vote.

This bill also removes the requirement that absentee ballots be placed in outer envelopes unless such ballots are mailed to town or city clerks.