

SB 218 - VERSION ADOPTED BY BOTH BODIES

5Jun2025... 2407h
06/26/2025 2835CofC

2025 SESSION

25-0930
08/11

SENATE BILL **218**

AN ACT relative to absentee ballots.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to absentee ballots.

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

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

654:17 Absentee Registration Affidavit.

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 ***I am a citizen of the United States***, 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 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) That I am temporarily residing in _____ (city and state or city, province, and country);

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;]~~ ***copies of the applicable documentation required by***

RSA 654:12 to establish my citizenship, age, domicile, and identity as qualifications to vote;

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

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

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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.

Affidavit (Physical Disability)

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

1) That ***I am a citizen of the United States***, 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 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) 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;]~~ ***copies of the applicable documentation required by RSA 654:12 to establish my citizenship, age, domicile, and identity as qualifications of vote.***

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

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

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Signature of Applicant

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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.

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1 II. There shall be printed below each of the foregoing affidavits the following affirmation:
2 Affirmation

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

8 _
9 Signature of Witness

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

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

22 3 Verification of In-Person Absentee Voter. Amend RSA 657:17-a to read as follows:

23 657:17-a Verification of In-Person Absentee Voter.

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

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

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

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

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

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

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

YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

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

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

One of the following applies to me:

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

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

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

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

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

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

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

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

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

Voter Signature _____

Printed Name _____

Voter Address _____

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

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

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.

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots, **if such ballots are returned by mail**. On the envelopes shall be printed "Enclosed is the ballot of an absentee

voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed thereon. ***Absentee ballots returned to town or city clerks in person shall not be required to be placed in such outer envelopes.***

5 Absentee Voting; Refusal to Certify; Procedure. 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 unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit. ***If the applicant submits such documents via mail, he or she shall do so by enclosing them*** in the outer envelope that contains the absentee ballot envelope. ***An applicant hand delivering such documents need not enclose them in the outer envelope.***

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

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

I. After marking the ballot, the voter or the person assisting a blind voter or voter with a disability who is unable to mark his or her ballot shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or voter with a disability who needs assistance executing the affidavit shall sign a statement on the affidavit envelope acknowledging the assistance. ***If the voter or the person assisting the blind voter or voter with a disability who needs assistance is mailing the absentee ballot to the town or city clerk, the voter or the person assisting the blind voter or voter with a disability shall enclose***

1 and seal the ~~[inner]~~ envelope with the affidavit ***and return it to the town/city clerk. If the***
2 ***envelope with the affidavit is mailed it shall be sealed*** in ~~[an]~~ the outer envelope ***provided.***

3 The voter or the person assisting a blind voter or voter with a disability shall then endorse on the
4 outer envelope the voter's name, address, and voting place. The absentee ballot shall be delivered to
5 the city or town clerk from whom it was received in one of the following ways:

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

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

12 7 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

13 657:18 Procedure by Clerk. Upon receipt of an outer envelope ***or an affidavit envelope***
14 purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to
15 RSA 657:16, attach thereto the application for an absentee ballot ***to the envelope*** submitted by said
16 voter and record the information pursuant to RSA 657:15. ~~[All such envelopes]~~ ***The envelopes*** shall
17 be preserved unopened until ~~[election day]~~ ***processed in accordance with RSA 659:50.***

18 8 Effective Date. This act shall take effect 60 days after its passage.