

HB 217 - AS INTRODUCED

2025 SESSION

25-0259

08/11

HOUSE BILL **217**

AN ACT relative to absentee ballots.

SPONSORS: Rep. Lynn, Rock. 17; Sen. Gray, Dist 6

COMMITTEE: Election Law

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

2 654:17 Absentee Registration Affidavit.

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

5 Affidavit (Absence from town)

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

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

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

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

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

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

20 ~~(b) A copy of a current and valid photo identification and a copy of a current utility bill,~~
21 ~~bank statement, government check, paycheck, other government document that shows my name and~~
22 ~~address, or a letter from the administrator of a nursing home or similar facility affirming that I am a~~
23 ~~resident of that facility that was provided to me at my request pursuant to the administrator's duty~~
24 ~~to provide such a letter upon my request;]~~ ***copies of the documentation required by RSA 654:12***

25 ***to establish my citizenship, age, domicile, and identity as qualifications to vote;***

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

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

30 _

31 Signature of Applicant

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1 Date

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

6 Affidavit (Physical Disability)

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

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

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

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

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

19 ~~(b) A copy of a current and valid photo identification and a copy of a current utility bill,~~
20 ~~bank statement, government check, paycheck, other government document that shows my name and~~
21 ~~address, or a letter from the administrator of a nursing home or similar facility affirming that I am a~~
22 ~~resident of that facility that was provided to me at my request pursuant to the administrator's duty~~
23 ~~to provide such a letter upon my request;]~~ ***copies of the documentation required by RSA 654:12***
24 ***to establish my citizenship, age, domicile, and identity as qualifications of vote.***

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

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

29 _

30 Signature of Applicant

31 _

32 _

33 Date

34 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
35 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
36 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
37 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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1 4 Effective Date. This act shall take effect 60 days after its passage.