

HB 418 - AS INTRODUCED

2025 SESSION

25-0755

08/11

HOUSE BILL **418**

AN ACT relative to eligibility for absentee voting.

SPONSORS: Rep. Sellers, Graf. 18; Rep. Panek, Hills. 1; Rep. See, Merr. 26; Rep. Kuttub, Rock. 17; Rep. Sabourin, Rock. 30; Rep. Wood, Merr. 13; Rep. Potenza, Straf. 19

COMMITTEE: Election Law

ANALYSIS

This bill requires voters to be either absent from the town or city in which they are domiciled or disabled and unable to vote in person in order to be eligible for an absentee ballot.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 Absentee Voting. RSA 657:1 is repealed and reenacted to read as follows:

2 657:1 Absentee Voting.

3 I. Any person who will be absent on the day of any state election from the city, town, or
4 unincorporated place in which he or she is registered to vote or who is unable to vote there in person
5 by reason of physical disability may vote at such elections by absentee ballot.

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

12 (b) In the event an election is postponed pursuant to RSA 669:1, the provisions of
13 subparagraph (a) shall apply to the day before the date of the originally scheduled election and the
14 day before the date of the postponed election.

15 2 Absentee Ballots. Amend RSA 656:33 to read as follows:

16 656:33 Official Absence~~[- Religious Observance,]~~ and Disability Absentee Ballots. Prior to any
17 state election, the secretary of state shall prepare, in such quantity as the secretary of state may
18 deem necessary, absence~~[- religious observance,]~~ and disability absentee ballots in the same form as
19 nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall
20 have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on
21 paper of the same color as that used for official ballots.

22 3 Absentee Ballot; Forms. Amend RSA 657:4, I to read as follows:

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

28 Absence (Excluding Absence Due to Residence Outside the United States)~~[- Religious Observance,]~~
29 and Disability:

30 I hereby declare that (check one):

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

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

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

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

____ I am confined in a penal institution for a misdemeanor or while awaiting trial.

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

~~[____ I cannot appear in public on election day because of observance of a religious commitment.]~~

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

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

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

~~____ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.~~

~~____ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.]~~

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

____ Presidential Primary to be held on _____

(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

____ State Primary to be held on _____

(MM/DD/YYYY)

____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

____ Republican Party

____ Democratic Party

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1 _____ (name of any party determined by the secretary of state to have achieved official status under
2 RSA 652:11)
3 and am requesting a ballot for that party's primary.

4 Please print:

5 Applicant's Name:

6 _____

7 (Last) (First) (Middle) (Sr., Jr., II., III)

8 Applicant's Voting Domicile (home address):

9 _____

10 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

11 Mail the ballot to me at this address (if different than the home address):

12 _____

13 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

14 Applicant's Phone Number : _____

15 Applicant's Email Address : _____

16 Applicant's Signature: _____

17 Date Signed: _____

18 (MM/DD/YYYY)

19 I attest that I assisted the applicant in executing this form because he or she has a disability.

20 Signature _____ Print Name _____

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

25 The applicant must sign this form to receive an absentee ballot. Any person who witnesses and
26 assists a voter with a disability in executing this form shall print and sign his or her name in the
27 space provided on the application form. The moderator will not compare the voter's signature on the
28 application with the signature on the absentee ballot affidavit when a person assisting the voter has
29 signed the statement on the absentee ballot application or affidavit envelope that assistance was
30 provided.

31 4 Absentee Ballots; Printing. Amend RSA 657:7 to read as follows:

32 657:7 Absence[~~Religious Observance~~,] and Disability.

33 Prior to any state election, the secretary of state shall prepare the following forms in such
34 quantity as he deems necessary:

35 I. Absence[~~religious observance~~,] and disability absentee ballots as provided in RSA 656:33.

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

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1 YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

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

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

4 One of the following applies to me:

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

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

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

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

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

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

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

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

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

20 Voter Signature _____

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

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

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 III. Return envelopes of size sufficient to contain the preceding envelope addressed to the
30 town and city clerks of the state in which absentee voters shall return their ballots. On the
31 envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, 4
32 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed
33 thereon.

34 IV. Such explanatory matter and instructions for voters as the secretary of state with the
35 approval of the attorney general shall deem appropriate to carry into effect the purposes hereof.

36 V. Mailing envelopes large enough to contain all the above materials in which the town and
37 city clerks shall mail or deliver them to absentee voters.

1 5 Effective Date. This act shall take effect 60 days after its passage.