SENATE BILL 3
AN ACT relative to domicile for voting purposes.


COMMITTEE: Election Law and Internal Affairs

AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes. This bill also modifies requirements for documenting the domicile of a person registering 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
CHAPTER 205  
SB 3 - FINAL VERSION  
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03/04

STATE OF NEW HAMPSHIRE  
In the Year of Our Lord Two Thousand Seventeen  

AN ACT  relative to domicile for voting purposes.

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

205:1 Voters; Temporary Absence or Presence. Amend RSA 654:2 to read as follows:

654:2 Temporary Absence or Presence.

I. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention coupled with a verifiable act or acts carrying out that intent. A voter can have only one domicile for these voting purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

II.(a) A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.

(b) A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

(c) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.
(d) For the purposes of voter registration under RSA 654:7, IV(c), an applicant shall demonstrate an intent to make a place his or her domicile by providing documentation showing that the applicant has a domicile at the address provided on the voter registration form. Such documentation may include, but is not limited to:

(1) Evidence of residency, as set forth in RSA 654:1, I-a, at an institution of learning in that place;

(2) Evidence of renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;

(3) Evidence of purchasing an abode at that place;

(4) A New Hampshire resident motor vehicle registration, driver's license, or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing that place as his or her residence;

(5) Evidence of enrolling the person's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;

(6) Identifying that place as the person's physical residence address on state or federal tax forms, other government-issued identification, or other government forms that show the domicile address;

(7) Evidence of providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;

(8) Evidence of obtaining public utility services for an indefinite period at that place; or

(9) Evidence of arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual using that facility's address as the individual's domicile address for voting purposes.

(e) An applicant whose domicile is at an abode rented, leased, or owned by another and whose name is not listed on the rental agreement, lease, or deed may provide a written statement from a person who is listed on the rental agreement, lease, or deed, or other reasonable proof of ownership or control of the property or his or her agent who manages the property that the applicant resides at that address, signed by the owner or manager of the property under penalty of voting fraud if false information is provided.

III. An individual applying for registration as a voter 30 or fewer days before an election shall use the election day registration form required by RSA 654:7, IV(c) which shall require the applicant to provide the date he or she established his or her voting domicile in New Hampshire. The registration form shall require the voter to identify and provide evidence of a verifiable action he or she has taken carrying out his or her intent to
make the place claimed on the voter registration form his or her domicile.

IV. A person may register on election day through use of an acknowledgment of domicile evidence obligation on the registration form and vote if he or she does not have any document in his or her possession at the polls providing evidence of an action carrying out his or her intent to make the address claimed as his or her voting domicile. A person relying on an acknowledgment of domicile evidence obligation to register must mail or present evidence of an action taken before registering to vote to carry out his or her intent to make the address claimed his or her domicile to the town or city clerk within 10 days following the election, or within 30 days in towns where the clerk’s office is open fewer than 20 hours weekly.

V. The supervisors of the checklist, as soon as practical following an election, shall determine which registrants of that election acknowledged there was no evidence of intent to be domiciled at their address or relied solely on an acknowledgment of domicile evidence obligation to register and vote, and, of those registrants, those who failed to mail or present evidence of having taken some action to carry out their intent to establish domicile at the address listed on their voter registration applications to the clerk by the deadline. The supervisors shall attempt to verify that each such person was domiciled at the address claimed on election day by means including, but not limited to:

(a) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or

(b) Requesting 2 or more municipal officers or their agents or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day. In unincorporated places that have not organized for the purposes of conducting elections, county officers may be asked to perform this function; or

(c) Referring the registrant’s information to the secretary of state, who shall cause such further investigation as is warranted.

VI. Any case where supervisors are unable to verify the applicant’s domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted. After receiving confirmation from the secretary of state that an individual is not domiciled at the address provided, the supervisors shall also initiate removal of the person from the checklist by sending the person the notice required by RSA 654:44.

205:2 Voter Registration Form. Amend RSA 654:7, III-IV to read as follows:

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in subparagraph IV(b), unless the person is registering within 30 days before
an election or at the polling place on [the date of a state general] election day. If an applicant is registering at the polling place on [the date of a state general] election day and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore be relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes.

IV. (a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates other than those **used within 30 days of an election or** at the polling place on [the date of a state general] election day, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date ________________

VOTER REGISTRATION FORM

(Please print or type)

1. Name ____________________________________________________________

   Last (suffix)   First   Full Middle Name

2. Domicile Address ________________________________________________

   Street   Ward Number

   ________________________________________________________________

   Town or City   Zip Code

3. Mailing Address if different than in 2 __________________________________

   Street

   ________________________________________________________________

   Town or City   Zip Code

4. Place and Date of Birth ____________________________________________

   Town or City   State

   Date____________________
5. Are you a citizen of the United States? Yes ____ No ____
If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote __________________________________________________________________________
   Street                                          Ward Number
   I am not currently registered to vote elsewhere (initial here ______), or I request that my
   name be removed as a registered voter in ______________________ (fill in your
   address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) ___________________________________________________________________________

9. Driver's License Number __________________________ State _______________________
   If you do not have a valid driver's license, provide the last four digits of your social security
   number ________
   My name is __________________. I am today registering to vote in the city/town of
   ______________________, New Hampshire. If a city, ward number ________.
   I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a
   United States citizen, and I must be domiciled in this ward/town.
   I understand that a person can claim only one state and one city/town as his or her domicile at a
   time. A domicile is that place, to which upon temporary absence, a person has the intention of
   returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in
   any other state or any other city/town.
   In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state
   or federal elections in another state.
   If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a
   supervisor of the checklist is available to address my questions or concerns.
   I acknowledge that I have read and understand the above qualifications for voting and do
   hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the
   above-stated city/town, and, if registering on election day, that I have not voted and will not vote at
   any other polling place this election.

__________________________________________________________
   Date                                             Signature of Applicant

In accordance with RSA 659:34, the penalty for knowingly or [purposely] purposely
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.
   (c) The secretary of state shall prescribe the form of the voter registration form to be

used only for voter registrations, transfers, or updates starting 30 days before each election and at the polling place on [the date of a state general] election day, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date registration form is submitted _______________

Date applicant moved to the address listed below as the voter's domicile _______________

VOTER REGISTRATION FORM

FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON [THE DATE OF THE STATE GENERAL] ELECTION DAY

(Please print or type)

1. Name __________________________________________________________

   Last (suffix)             First              Full Middle Name

2. Domicile Address ________________________________________________

   Street                      Ward Number

   ________________________________________________________________

   Town or City                Zip Code

3. Mailing Address if different than in 2 __________________________________

   Street

   ________________________________________________________________

   Town or City                Zip Code

4. Place and Date of Birth ____________________________________________

   Town or City                State

   Date_____________________

5. Are you a citizen of the United States? Yes ____ No ____

   If a naturalized citizen, give name of court where and date when naturalized
   ________________________________________________________________

6. Place last registered to vote _______________________________________

   Street                      Ward Number

   I am not currently registered to vote elsewhere (initial here _______), or I request that my name be removed as a registered voter in ___________________________ (fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above

   ________________________________________________________________
8. Party Affiliation (if any) _______________________________________

9. Driver’s License Number ___________________________ State ________________
   If you do not have a valid driver’s license, provide the last four digits of your social security number ________
   My name is _____________________. I am today registering to vote in the city/town of ____________________, New Hampshire. If a city, ward number ________.
   I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.
   I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.
   In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.
   If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

   I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent.

   I understand that if I have documentary evidence of my intent to be domiciled at this address when registering to vote, I must either present it at the time of registration or I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).

   _____ By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.

   Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.

   I understand that if I do not have any documentary evidence of my intent to be domiciled at this address, I must place my initials next to the following paragraph:

   _____ By placing my initials next to this paragraph, I am acknowledging that I am
aware of no documentary evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk’s office, and that I understand that officials will be sending mail to the address on this form or taking other actions to verify my domicile at this address.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

____________________  ________________________________
Date                Signature of Applicant

If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such information is true and accurate to the best of my knowledge.

This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):

Identity yes/no ____ (initials)
Citizenship yes/no ____ (initials)
Age yes/no ____ (initials)
[Domicile yes/no ____ (initials)]

____________________  ________________________________
Applicant                Election Official

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

In accordance with RSA 659:34, the penalty for knowingly or purposely 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. In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed $4,000.

V. The secretary of state shall prepare and distribute an addendum to the voter registration form used under subparagraph IV(c) to be distributed to those registrants who register within 30 days before the election or on election day and who do not provide proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of
domicile” document shall provide notice of the requirements that registrants must furnish documentary evidence of domicile and shall be in substantially the following form:

Verifiable Action of Domicile

As a newly registered voter, you have received this document because you did not provide proof of domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have taken a verifiable act to establish domicile.

The following checklist shall be used as a guide for what you may use as evidence and shall be submitted to the town or city clerk along with documentation that you are required to provide. Only one item on the list is required to demonstrate a verifiable act.

To establish that you have engaged in a verifiable act establishing domicile, provide evidence that you have done at least one of the following:

__ established residency, as set forth in RSA 654:1, I-a, at an institution of learning at the address on the voter registration form

__ rented or leased an abode, for a period of more than 30 days, to include time directly prior to an election day at the address listed on the voter registration form

__ purchased an abode at the address listed on the voter registration form

__ obtained a New Hampshire resident motor vehicle registration, driver's license, or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the address on the voter registration form

__ enrolled a dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of the address where the registrant resides, as listed on the voter registration form

Identified the address on the voter registration form as your physical residence address on:

__ state or federal tax forms

__ other government-issued forms or identification. Describe form of identification: __________

__ provided the address on the voter registration form to the United States Post Office as your permanent address, provided it is not a postal service or commercial post office box, where mail is delivered to your home. This can be by listing the address on the voter registration form as your new address on a Postal Service permanent change of address form and providing a copy of the receipt, or an online emailed receipt

__ obtained public utility services (electricity, cable, gas, water, etc.) for an indefinite period at the address on the voter registration form. List services obtained:

________________________

__ arranged for a homeless shelter or similar service provider to receive United States mail on your behalf. Enter name of the shelter or provider: ________________
describe what other verifiable action or actions you have taken to make the address listed on your voter registration form your one voting domicile: ____________________________

If you have no other proof of a verifiable act establishing domicile, and your domicile is at an abode rented, leased, or purchased by another and your name is not listed on the rental agreement, lease, or deed, you are required to provide a written statement, signed under penalty of voting fraud if false information is provided, from a person who is listed on such document, or other reasonable proof of ownership or control of the property, attesting that you reside at that address, signed by that person or his or her agent who manages the property.

This verifiable action of domicile form, along with your written statement or other documentation proving a verifiable act, shall be delivered to the town or city clerk, by mail or in person, with 10 days, or within 30 days if the clerk's office is open fewer than 20 hours weekly.

Name ________________________________________________________________

Last (suffix)   First   Full Middle Name

Domicile Address ______________________________________________________

Street ............................................................... Ward Number

Town or City ........................................................................ Zip Code

Date ___________________   Signature of Applicant

This document was received by the clerk, who examined and returned it to the applicant after making a copy of the evidence of verifiable action, said copy to be attached to the verifiable action of domicile form.

Date ___________________   Signature of Clerk

The clerk shall forward the completed form and attachment or attachments to the supervisors of the checklist as soon as possible, but not later than their next meeting. The supervisors of the checklist shall attach the form and attachments to the voter registration form.

205:3 Election Day Registration. Amend RSA 654:7-a, I to read as follows:

I. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, to all town, city, school district, and village district elections, and to all official ballot meetings where persons may vote by absentee ballot. A person who registers to vote on election day according to the provisions of this
section shall also be required to complete the voter registration form provided for in RSA 654:7, IV(c). The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

205:4 Effect of Registration on Election Day. Amend RSA 654:7-b to read as follows:

654:7-b Effect of Registration on Election Day. Any person who registers to vote on election day according to the provisions of RSA 654:7-a shall be registered to vote at all subsequent town, city, school district, village district, state, and federal elections unless the person’s name is removed from the checklist in accordance with the provisions of this chapter.

205:5 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant’s birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, a sworn statement on the general election day voter registration form used starting 30 days before an election and on election day, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: ______________________

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: ______________________
Name at birth if different: ______________________
Place of birth: ______________________
Date of birth: ______________________

Date and Place of Naturalization: ______________________
Domicile Address: ______________________
Mailing Address (if different): ______________________
Telephone number (requested but optional) ______________________
Email address (requested but optional) ______________________

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

______________________________
(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposely 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.

On the date shown above, before me, ______________________ (print name of notary public, justice of the peace, election officer), appeared ______________________ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

[ ] Identity

[ ] Citizenship

[ ] Age

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the [general election day] voter registration form used starting 30 days before an election and on election day.

(c) DOMICILE.

(1) Registering more than 30 days in advance of an election.

(A) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) government issued check, benefit statement, or tax document. A person who possesses such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.

(B) A person who attests under penalty of voter fraud that he or she does not possess any of the qualified documents listed in subparagraph (A) may present any reasonable documentation which indicates of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain [a] that domicile, as defined in this chapter, at least until election day in the town[; city] or ward in
which he or she desires to vote[.] Reasonable documentation may include, but is not limited to evidence of:

(i) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at that place;
(ii) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;
(iii) Purchasing an abode at that place;
(iv) Enrolling the applicant’s dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;
(v) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;
(vi) Providing the address of that place to the United States Post Office as the person’s permanent address, provided it is not a postal service or commercial post office box;
(vii) Obtaining public utility services for an indefinite period at that place; or
(viii) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.

An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.

(2) Registering within 30 days before an election and on election day.

(A) When registering within 30 days before an election or on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote [if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration], he or she may execute a sworn statement on the [general election day] voter registration form[ or an affidavit] used starting 30 days before an election and on election day and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the
document in person to the city or town clerk within 10 days, or where the town clerk's
office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in
compliance with this subparagraph are exempt from the public disclosure required by
RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a
document presented in person and forward verification to the supervisors of the checklist.
An applicant whose voter registration is approved based on an acknowledgment of a
domicile evidence obligation who knowingly or purposely fails to provide a document to
the city or town clerk as required by this paragraph shall be subject to the penalties of
wrongful voting as established in RSA 659:34. The supervisors of the checklist shall
initiate removing the name from the checklist of any such person who fails to provide
proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

   (B) A person registering within 30 days before an election or on election
day who does not possess reasonable documentation of establishing domicile and has
taken no verifiable action to carry out his or her intent to establish domicile at the
address claimed on the voter registration application may nonetheless register to vote by
initialing the paragraph on the registration form acknowledging that domicile may be
verified. The supervisors of the checklist shall, as soon as practical following an election
at which the person initials such paragraph to register and vote, attempt to verify that the
person was domiciled at the address claimed on election day by means including, but not
limited to:

   (i) Examining public records held by the town or city clerk,
municipal assessing and planning offices, tax collector, or other municipal office that
may house public records containing domicile confirmation; or

   (ii) Requesting 2 or more municipal officers or their agents or state
election officers or their agents to visit the address and verify that the individual was
domiciled there on election day. In unincorporated places that have not organized for the
purposes of conducting elections, county officers may be asked to perform this function; or

   (iii) Referring the registrant's information to the secretary of state,
who shall cause such further investigation as is warranted.

   (C) Any case where supervisors are unable to verify the applicant's
domicile or where evidence exists of voting fraud shall be promptly reported to the
secretary of state and to the attorney general, who shall cause such further investigation
as is warranted. [in the following form, which shall be retained in accordance with RSA 33-A:3-a:

   DOMICILE AFFIDAVIT

__________________________________________ Date: __________________________
Name: ______________________________________
Current Domicile Address: ______________________
Qualifications of Applicants. Amend the introductory paragraph of RSA 654:12, II(b) to read as follows:
(b) Any one of the following is presumptive evidence of the identity of an applicant
sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the
oath of an applicant swearing to a qualified voter, domicile, or election day affidavit or a sworn
statement on the [general election day] voter registration form used starting 30 days before an
election and on election day:

205:7 Qualifications of Applicants. Amend RSA 654:12, III to read as follows:

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration
as a voter must prove his or her identity to establish that the evidence used to prove age,
citizenship, and domicile relate to the applicant. A person who has in his or her immediate
possession a photo identification approved for use by paragraph II must present that identification
when applying for registration. A person who does not have an approved photo identification with
him or her may establish identity through completion of the qualified voter affidavit, which shall be
retained in accordance with RSA 33-A:3-a, or a sworn statement on the [general election day] voter
registration form used starting 30 days before an election and on election day. Residents of a
nursing home or similar facility may prove their identity through verification of identity by the
administrator of the facility or by his or her designee. For the purposes of this section, the
application of a person whose identity has been verified by an official of a nursing home or similar
facility shall be treated in the same manner as the application of a person who proved his or her
identity with a photo identification.

205:8 Determining Qualifications of Applicant. Amend RSA 654:12, V(a) to read as follows:

V.(a) The election official approving the application for registration as voter of a person who
does not present an approved form of photo identification as proof of identity when registering, shall
mark the voter registration form to indicate that no photo identification was presented and shall
inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or
she will receive a letter of identity verification. The person entering the voter information into the
centralized voter registration database shall determine if the person is listed in the system as
having been previously registered in the town or ward reported by the applicant on the voter
registration form. If the person is a new registrant who has not been previously registered
anywhere in New Hampshire or if the centralized voter registration database does not confirm a
previous registration claimed on the voter registration form, the election official shall cause the
record created in the centralized voter registration database to indicate that the person is a new
applicant in New Hampshire and that no photo identification was presented. When municipalities
enter information on people who register on election day into the centralized voter registration
database, to the extent practical applicants who are registering for the first time in New Hampshire
and who also register without presenting an approved photo identification shall be entered first.
The person entering the voter information of election day residents into the centralized voter
registration database shall cause the records to indicate if the voter executed [a domicile affidavit
or a sworn statement on the [general election day] voter registration form used starting 30 days before an election and on election day.

205:9 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing [domicile affidavit and] sworn statements on the [general election day] voter registration form used starting 30 days before an election and on election day since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver’s obligation to obtain a New Hampshire driver’s license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

205:10 References Deleted. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter [and domicile] affidavits, affidavit of religious exemption, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter [and domicile] affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter [or domicile] affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter [and domicile] affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

205:11 Reference Deleted. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified voter affidavit, [a voter domicile affidavit.] or any other affidavit required by the election statutes
may be sworn before any person authorized by law to administer oaths or before any election officer.

205:12 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

205:13 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(f)-(g) to read as follows:

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; [es]

(g) Presents falsified proof of identity, domicile, or verifiable action of domicile at any election;

(h) Registers to vote on election day using an affidavit to satisfy proof of being qualified, represents on the affidavit that the person possesses proof that he or she does not have in his or her possession at the polling place, and purposely and knowingly fails to provide a copy of the document by mail or present the document in person to the town or city clerk by the deadline established in RSA 654:12; or

(i) Purposely and knowingly provides false information in a written and signed statement or other documentation that another person is domiciled at an address that is owned, leased, rented, or managed by the individual providing the statement for the purposes of voter registration and that statement is used for voter registration purposes.

205:14 References Deleted. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials[.] and Election Day Affidavits[.] and Domicile Affidavits. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter[.] and voter registration[.] affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

205:15 Verifiable Action of Domicile Documents. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

(f) [Domicile affidavit] Verifiable action of domicile document: until voter is
1 removed from checklist plus 7 years.

205:16 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2017
Effective Date: September 08, 2017