

CHAPTER 175
SB 31 - FINAL VERSION

02/04/2021 0159s
3Jun2021... 1486h
06/24/2021 1947CofC

2021 SESSION

21-1043
11/04

SENATE BILL **31**

AN ACT relative to voter checklists and modifying the absentee ballot affidavit.

SPONSORS: Sen. Gray, Dist 6; Sen. Ward, Dist 8; Rep. Lang, Belk. 4

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill modifies the actions required to be taken by supervisors of the checklist upon adding applicants to the checklist, requires the secretary of state to provide certain voter information to chief elections officers in other states, and modifies the absentee ballot affidavit.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to voter checklists and modifying the absentee ballot affidavit.

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

1 175:1 General Voter Registration; Action by Supervisors. Amend RSA 654:13 to read as follows:
2 654:13 Action by Supervisors.

3 I. If the supervisors decide to add the name of the applicant to the checklist, then they shall
4 retain the original of the registration form for their own file, which shall be retained in accordance
5 with RSA 33-A:3-a ~~[, forward one copy to the supervisors of the checklist of the city or town of the~~
6 ~~applicant's last voting address if said address is in the state of Vermont, Maine, Massachusetts,~~
7 ~~Connecticut, or Rhode Island, and send another copy to the clerk of their town or city].~~ ***If the***
8 ***applicant entered a place last registered to vote on the voter registration form, the***
9 ***supervisors shall enter that data into the statewide centralized voter registration***
10 ***database.*** Upon entry of the voter record in the statewide centralized voter registration database,
11 the supervisors of the checklist in another New Hampshire city or town will receive notice through
12 the statewide centralized voter registration database that the voter has moved.

13 II. If the supervisors decide not to add the name of the applicant to the checklist, they shall
14 send notification in writing to the applicant within 7 days stating the reason for the denial. They
15 shall write the word "REJECTED" and the date of rejection across the registration form. They shall
16 retain the original registration form and a copy of the denial notification in accordance with RSA 33-
17 A:3-a.

18 ***III. The secretary of state shall provide information on individuals who report***
19 ***being previously registered to vote out of state to the chief elections officer of that state.***
20 ***The secretary of state may use secure electronic information transfer. The secretary of***
21 ***state shall pursue establishing routine secure electronic transfers of this information***
22 ***between states. When electronic information transfer from another state occurs the***
23 ***supervisors of the checklist where the person is registered in New Hampshire will receive***
24 ***notice through the statewide centralized voter registration database that the voter has***
25 ***registered in another state. Unless the supervisors possess evidence that the notice is***
26 ***inaccurate, they shall remove the voter from the checklist as provided in RSA 654:36.***

27 175:2 Absentee Affidavit Envelopes. Amend RSA 657:7, II to read as follows:

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

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1 ~~[(a) Absence from City or Town. A person voting by absentee ballot because of absence~~
2 ~~from the city or town in which he or she is entitled to vote shall fill out and sign the following~~
3 ~~certificate:~~

4 ~~I do hereby certify under the penalties for voting fraud set forth below that I am a voter in~~
5 ~~the city or town of _____, New Hampshire, in ward _____; that I will be unable to~~
6 ~~appear at any time during polling hours at my polling place because I will be working on election~~
7 ~~day, or I am voting on the Monday immediately prior to the election, the National Weather Service~~
8 ~~has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or~~
9 ~~infirm, have a physical disability, or have to care for children or infirm adults, or I will be otherwise~~
10 ~~absent on election day from said city or town and will be unable to vote in person; that I have~~
11 ~~carefully read (or had read to me because I am blind) the instructions forwarded to me with the~~
12 ~~ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope~~
13 ~~(or had assistance in marking the ballot and sealing it in this envelope because I am blind). For the~~
14 ~~purposes of this certification, the term "working" shall include the care of children and infirm adults,~~
15 ~~with or without compensation.~~

16 ~~(Signature) _____~~

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 ~~(b) Absence Because of Religious Observance or Physical Disability. A person voting by~~
22 ~~absentee ballot because of religious observance or physical disability shall fill out and sign the~~
23 ~~following certificate:~~

24 ~~I do hereby certify under the penalties for voting fraud set forth below that I am a voter in~~
25 ~~the city or town of _____, New Hampshire, in ward _____; that I will be observing a~~
26 ~~religious commitment which prevents me from voting in person or that on account of physical~~
27 ~~disability I am unable to vote in person; that I have carefully read (or had read to me because I am~~
28 ~~blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally~~
29 ~~marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and~~
30 ~~sealing it in this envelope because I am blind).~~

31 ~~(Signature) _____~~

32 ~~The signature on this affidavit must appear to be executed by the same person who signed~~
33 ~~the absentee ballot application.]~~

34
35 ***YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE***

36
37 ***I do hereby certify under the penalties for voting fraud set forth below that:***

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

2 *One of the following applies to me:*

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

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

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

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

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

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

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

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

18

19 *Voter Signature _____*

20 A person assisting a [disabled or blind] voter *with a disability* shall [make and] sign [a]
21 *this* statement on this envelope [in the space provided] acknowledging the assistance. [The
22 moderator will not compare the voter's signature on this affidavit with the signature on the absentee
23 ballot application when a person assisting the voter has signed the statement on the affidavit that
24 assistance was provided.]

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

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

32 175:3 Absentee Affidavit Envelopes. Amend RSA 657:7, II to read as follows:

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

35 ~~[(a) Absence from City or Town. A person voting by absentee ballot because of absence~~
36 ~~from the city or town in which he or she is entitled to vote shall fill out and sign the following~~
37 ~~certificate:~~

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1 I do hereby certify under the penalties for voting fraud set forth below that I am a voter in
2 the city or town of _____, New Hampshire, in ward _____; that I will be unable to
3 appear at any time during polling hours at my polling place because I will be working on election
4 day, or I am voting on the Monday immediately prior to the election, the National Weather Service
5 has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or
6 infirm, have a physical disability, or have to care for children or infirm adults, or I am confined to a
7 penal institution for a misdemeanor or while awaiting trial, or I will be otherwise absent on election
8 day from said city or town and will be unable to vote in person; that I have carefully read (or had
9 read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and
10 that I personally marked the ballot within and sealed it in this envelope (or had assistance in
11 marking the ballot and sealing it in this envelope because I am blind). For the purposes of this
12 certification, the term "working" shall include the care of children and infirm adults, with or without
13 compensation.

14 (Signature) _____

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

19 (b) Absence Because of Religious Observance or Physical Disability. A person voting by
20 absentee ballot because of religious observance or physical disability shall fill out and sign the
21 following certificate:

22 I do hereby certify under the penalties for voting fraud set forth below that I am a voter in
23 the city or town of _____, New Hampshire, in ward _____; that I will be observing a
24 religious commitment which prevents me from voting in person or that on account of physical
25 disability I am unable to vote in person; that I have carefully read (or had read to me because I am
26 blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally
27 marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and
28 sealing it in this envelope because I am blind).

29 (Signature) _____

30 The signature on this affidavit must appear to be executed by the same person who signed
31 the absentee ballot application.]

32
33 ***YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE***

34
35 ***I do hereby certify under the penalties for voting fraud set forth below that:***

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

37 ***One of the following applies to me:***

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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 _____

A person assisting a ~~[disabled or blind]~~ voter **with a disability** shall ~~[make and]~~ sign ~~[a]~~ **this** statement on this envelope ~~[in the space provided]~~ acknowledging the assistance. ~~[The moderator will not compare the voter's signature on this affidavit with the signature on the absentee ballot application when a person assisting the voter has signed the statement on the affidavit that assistance was provided.]~~

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.

175:4 Contingency. If HB 555 of the 2021 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 555 and section 2 of this act shall not take effect. If HB 555 does not become law, then section 3 of this act shall not take effect and section 2 of this act shall take effect 60 days after its passage.

175:5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

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II. The remainder of this act shall take effect 60 days after its passage.

Approved: July 30, 2021

Effective Date:

I. Sections 2-3 shall take effect as provided in section 4.

II. Remainder shall take effect September 28, 2021.