

CHAPTER 96
HB 555 - FINAL VERSION

2021 SESSION

21-0761
11/05

HOUSE BILL ***555***

AN ACT relative to prisoners' voting rights.

SPONSORS: Rep. Andrew Bouldin, Hills. 12; Rep. Kenney, Straf. 6; Rep. Nutting-Wong, Hills. 32; Rep. Bouchard, Hills. 11; Rep. Amanda Bouldin, Hills. 12

COMMITTEE: Election Law

ANALYSIS

This bill amends the absentee voter application form and absentee voting affidavits to make clear that certain persons confined to penal institutions may vote by 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to prisoners' voting rights.

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

1 96:1 Voters and Checklists; Voters Confined in Penal Institutions. Amend RSA 654:2-a, III to
2 read as follows:

3 III. In completing a voter registration form, as specified in RSA 654:7, ***or an absentee***
4 ***ballot application, as specified in RSA 657:4, I***, a person confined in a penal institution shall list
5 the address of his or her domicile in the address section, and the address of the penal institution in
6 the mailing address section.

7 96:2 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

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

13 Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,
14 and Disability:

15 I hereby declare that (check one):

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

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

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

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

23 ☐ ***I am confined in a penal institution for a misdemeanor or while awaiting trial.***

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

29 ☐ I cannot appear in public on election day because of observance of a religious commitment.

30 ☐ I am unable to vote in person due to a disability.

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_____ 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

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

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

Applicant's Voting Domicile (home address):

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

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

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

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Applicant's Phone Number : _____

Applicant's Email Address : _____

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

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

Signature _____ Print Name _____

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

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

96:3 Absentee Voting; Absentee Ballots and Related Materials; Absence, Religious Observance, and Disability. Amend RSA 657:7, II(a) to read as follows:

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

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, in ward _____; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day, or I am voting on the Monday immediately prior to the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a physical disability, or have to care for children or infirm adults, ***or I am confined to a penal institution for a misdemeanor or while awaiting trial***, or I will be otherwise absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). For the purposes of this certification, the term "working" shall include the care of children and infirm adults, with or without compensation.

(Signature) _____

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

96:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 01, 2021

Effective Date: August 30, 2021