

CHAPTER 285  
SB 318-FN – FINAL VERSION

03/21/12 1132s  
03/21/12 1301s  
15May2012... 2101h  
15May2012... 2223h  
06/06/12 2409CofC

2012 SESSION

12-2983  
03/04

SENATE BILL            ***318-FN***

AN ACT                relative to voter registration.

SPONSORS:            Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. De Blois, Dist 18; Sen. Groen, Dist 6; Sen. Lambert, Dist 13; Sen. Rausch, Dist 19; Sen. White, Dist 9

COMMITTEE:          Public and Municipal Affairs

---

AMENDED ANALYSIS

This bill modifies forms and procedures for voter registration.

-----

Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through~~].  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 285  
SB 318-FN – FINAL VERSION

03/21/12 1132s  
03/21/12 1301s  
15May2012... 2101h  
15May2012... 2223h  
06/06/12 2409CofC

12-2983  
03/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                   relative to voter registration.

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

1           285:1 Voter, Office Holder; Claim of Domicile. Amend RSA 654:1, I to read as follows:

2           I. Every inhabitant of the state, having a single established domicile for voting purposes,  
3 being a citizen of the United States, of the age provided for in Article 11 of Part First of the  
4 Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town,  
5 ward, or unincorporated place in which he or she is domiciled. An inhabitant's domicile for voting  
6 purposes is that one place where a person, more than any other place, has established a physical  
7 presence and manifests an intent to maintain a single continuous presence for domestic, social, and  
8 civil purposes relevant to participating in democratic self-government. A person has the right to  
9 change domicile at any time, however a mere intention to change domicile in the future does not, of  
10 itself, terminate an established domicile before the person actually moves. [~~A person's claim of  
11 domicile for voting purposes shall not be conclusive of the person's residence for any other legal  
12 purpose.~~]

13           285:2 Voter Registration. Amend RSA 654:7 to read as follows:

14           654:7 ***Voter Registration***; Voter Registration Form.

15           ***I. Any person registering to vote shall be:***

16                   ***(a) At least 18 years of age on the day of the election; and***

17                   ***(b) A United States citizen; and***

18                   ***(c) Domiciled in the town or city in which the applicant is registering to vote***  
19 ***and not otherwise disqualified to vote.***

20           ***II. The applicant shall be required to produce appropriate proof of qualifications***  
21 ***as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.***

22           ***III. If an applicant is unable to provide the proof of qualifications as required in***  
23 ***RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to***  
24 ***RSA 654:12, and completing the form in paragraph IV.***

25           ***IV.*** A standard registration application form shall be used throughout the state. The  
26 registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall

**CHAPTER 285**  
**SB 318-FN – FINAL VERSION**  
**- Page 2 -**

1 prescribe the form of the voter registration form, which shall be in substantially the following form:

2 Date \_\_\_\_\_

3 **VOTER REGISTRATION FORM**

4 (Please print or type)

5 1. Name \_\_\_\_\_

6 Last (suffix) First Full Middle Name

7 2. **Domicile** Address \_\_\_\_\_

8 Street Ward Number

9 \_\_\_\_\_  
10 Town or City Zip Code

11 3. Mailing Address if different than in 2 \_\_\_\_\_

12 Street Ward Number

13 \_\_\_\_\_  
14 Town or City Zip Code

15 4. Place and Date of Birth \_\_\_\_\_

16 Town or City State

17 Date \_\_\_\_\_

18 5. If a naturalized citizen, give name of court where and date when naturalized

19 \_\_\_\_\_  
20 6. Place last registered to vote \_\_\_\_\_

21 Street Ward Number

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

23 \_\_\_\_\_  
24 8. Party Affiliation (if any) \_\_\_\_\_

25 9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

26 If you do not have a valid driver's license, provide the last four digits of your social security number

27 \_\_\_\_\_

28 My name is \_\_\_\_\_. I am today registering to vote in the city/town of  
29 \_\_\_\_\_, New Hampshire.

30 I understand that to vote in this city/town, I must be at least 18 years of age, I must be a  
31 United States citizen, and I must be domiciled in this city/town.

32 ~~[I understand that I can claim only one city/town as my domicile at a time. A domicile is that~~  
33 ~~place, more than any other, where I sleep most nights of the year, or to which I intend to return after~~  
34 ~~a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote~~  
35 ~~or voting in any other city/town.]~~

36 ***I understand that a person can claim only one state and one city/town as his or her***

CHAPTER 285  
SB 318-FN – FINAL VERSION  
- Page 3 -

1 *domicile at a time. A domicile is that place, to which upon temporary absence, a person*  
2 *has the intention of returning. By registering or voting today, I am acknowledging that I*  
3 *am not domiciled or voting in any other state or any other city/town.*

4 *In declaring New Hampshire as my domicile, I am subject to the laws of the state of*  
5 *New Hampshire which apply to all residents, including laws requiring a driver to register*  
6 *a motor vehicle and apply for a New Hampshire's driver's license within 60 days of*  
7 *becoming a resident.*

8 *In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in*  
9 *the state or federal elections in another state.*

10 *If I have any questions as to whether I am entitled to vote in this city/town, I am aware*  
11 *that a supervisor of the checklist is available to address my questions or concerns.*

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

16 \_\_\_\_\_  
17 Date Signature

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

22 285:3 Qualified Voter Affidavit. Amend RSA 654:12, I(a) to read as follows:

23 (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall  
24 accept from the applicant any one of the following as proof of citizenship: the applicant's birth  
25 certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter  
26 affidavit, or any other reasonable documentation which indicates the applicant is a United States  
27 citizen. The qualified voter affidavit shall be in the following form, and shall be retained in  
28 accordance with RSA 33-A:3-a:

29 Date: \_\_\_\_\_

30 **QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)**

31 Name: \_\_\_\_\_

32 Name at birth if different: \_\_\_\_\_

33 Place of birth: \_\_\_\_\_

34 Date of birth: \_\_\_\_\_

35 Date and Place of Naturalization: \_\_\_\_\_

36 **Domicile Address:** \_\_\_\_\_

**CHAPTER 285**  
**SB 318-FN – FINAL VERSION**  
**- Page 4 -**

1 ***Mailing Address (if different):*** \_\_\_\_\_

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

8 \_\_\_\_\_  
9 (Signature of applicant)

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

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

- 20 ***[ ] Identity***  
21 ***[ ] Citizenship***  
22 ***[ ] Age***

23 \_\_\_\_\_  
24 Notary Public/Justice of the Peace/  
25 Official Authorized by RSA 659:30

26 285:4 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

27 (c) DOMICILE. Any reasonable documentation which indicates that the applicant has a  
28 domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in  
29 which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or  
30 her possession at the place and time of voter registration, an affidavit in the following form, which  
31 shall be retained in accordance with RSA 33-A:3-a:

DOMICILE AFFIDAVIT

33 Date: \_\_\_\_\_

34 Name: \_\_\_\_\_

35 Current Domicile Address: \_\_\_\_\_

36 Street Ward Number  
37 \_\_\_\_\_

CHAPTER 285  
SB 318-FN – FINAL VERSION  
- Page 5 -

1 Town or City Zip Code  
2 **Current Mailing Address (if different):** \_\_\_\_\_  
3 **Street Ward Number**  
4 \_\_\_\_\_  
5 **Town or City Zip Code**

6 Date when current domicile was established: Month: \_\_\_\_ Year: \_\_\_\_

7 Place and date of birth: \_\_\_\_\_

8 Address of last previous domicile: \_\_\_\_\_

9 Street Ward Number

10 \_\_\_\_\_

11 Town or City Zip Code

12 I hereby swear and affirm, under the penalties for voting fraud set forth below, that **I am not**  
13 **currently in possession of necessary documents to prove my domicile and that** my established  
14 domicile is at the current domicile address I have entered above. I understand that  **a person** can  
15 claim only **one state and** one city/town as ~~my~~ **his or her** domicile at a time. A domicile is that  
16 place, ~~more than any other, where I sleep most nights of the year, or~~ to which ~~I intend to return~~  
17 ~~after a~~ **upon** temporary absence, **a person has the intention of returning**. By registering or  
18 voting today, I ~~acknowledge~~ **am acknowledging** that I am not ~~registering to vote~~ **domiciled** or  
19 voting in any other city/town, and that to the best of my knowledge and belief the information above  
20 is true and correct.

21 \_\_\_\_\_

22 (Signature of applicant)

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

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

32 \_\_\_\_\_

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

34 285:5 Voter Records. Amend RSA 654:12, V(a)-(b) to read as follows:

35 V.(a) The election official approving the application for registration as voter of a person who  
36 does not present an approved form of photo identification as proof of identity when registering, shall

CHAPTER 285  
SB 318-FN – FINAL VERSION  
- Page 6 -

1 mark the voter registration form to indicate that no photo identification was presented and shall  
2 inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or  
3 she will receive a letter of identity verification. The person entering the voter information into the  
4 centralized voter registration database shall determine if the person is listed in the system as having  
5 been previously registered in the town or ward reported by the applicant on the voter registration  
6 form. If the person is a new registrant who has not been previously registered anywhere in  
7 New Hampshire or if the centralized voter registration database does not confirm a previous  
8 registration claimed on the voter registration form, the election official shall cause the record created  
9 in the centralized voter registration database to indicate that the person is a new applicant in  
10 New Hampshire and that no photo identification was presented. When municipalities enter  
11 information on people who register on election day into the centralized voter registration database,  
12 to the extent practical applicants who are registering for the first time in New Hampshire and who  
13 also register without presenting an approved photo identification shall be entered first. ***The person***  
14 ***entering the voter information of election day residents into the centralized voter***  
15 ***registration database shall cause the records to indicate if the voter executed a domicile***  
16 ***affidavit.***

17 (b) The secretary of state shall cause a letter of identity verification to be mailed by first  
18 class mail to each voter identified at [~~a state general~~] ***any*** election as a first-time election day  
19 registrant in New Hampshire who also did not verify his or her identity with an approved photo  
20 identification. The letter shall be mailed within [~~90~~] ***60*** days after the [~~general~~] election, ***except***  
21 ***that if the election is a state primary election, the letter shall be mailed 60 days after the***  
22 ***general election, and if the election is a regularly scheduled municipal election, the letter***  
23 ***shall be mailed by the July 1 or January 1 next following the election.*** The secretary of state  
24 shall mark the envelope with instructions to the United States Post Office not to forward the letter  
25 and to provide address correction information. The letter shall notify the person that a person who  
26 was unable to present photo identification registered or registered and voted using his or her name  
27 and address and instruct the person to return the letter within 45 days with a written confirmation  
28 that the person registered and voted or to contact the attorney general immediately if he or she did  
29 not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name  
30 does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions  
31 of paragraph V.

32 285:6 New Subparagraphs; Voter Registration; Domicile Verification. Amend RSA 654:12, V by  
33 inserting after subparagraph (c) the following new subparagraphs:

34 (d) Within 90 days of each election, the secretary of state shall cause a list of persons  
35 executing domicile affidavits since the prior election to be forwarded to the attorney general and the  
36 division of motor vehicles. The secretary of state shall send a letter to each such person informing

**CHAPTER 285**  
**SB 318-FN – FINAL VERSION**  
**- Page 7 -**

1 him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of  
2 becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election,  
3 except that if the election is a state primary election, the letter shall be mailed 60 days after the  
4 general election, and if the election is a regularly scheduled municipal election, the letter shall be  
5 mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the  
6 envelope with instructions to the United States Post Office not to forward the letter and to provide  
7 address correction information.

8 (e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d)  
9 that are returned as undeliverable by the United States Post Office to be referred to the attorney  
10 general and the attorney general shall cause an investigation to be made to determine whether  
11 fraudulent registration or voting occurred.

12 (f) Upon completion of any investigation authorized under this section, the attorney  
13 general shall forward a report summarizing the results of the investigation to the speaker of the  
14 house of representatives, the president of the senate, and the chairpersons of the appropriate house  
15 and senate standing committees with jurisdiction over election law.

16 285:7 Qualifications of Voter Applicant; Identity. Amend RSA 654:12, III to read as follows:

17 III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration  
18 as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship,  
19 and domicile relate to the applicant. A person who has in his or her immediate possession a photo  
20 identification approved for use by paragraph II must present that identification when applying for  
21 registration. A person who does not have an approved photo identification with him or her may  
22 establish identity through ~~[any reasonable means, including, but not limited to: photo identification~~  
23 ~~not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or~~  
24 ~~clerk, verification of the person's identity by another person registered as a voter and known to the~~  
25 ~~supervisor or clerk, or]~~ completion of the qualified voter affidavit, which shall be retained in  
26 accordance with RSA 33-A:3-a. Residents of a nursing home or similar facility may prove their  
27 identity through verification of identity by the administrator of the facility or by his or her designee.  
28 For the purposes of this section, the application of a person whose identity has been verified by an  
29 official of a nursing home or similar facility shall be treated in the same manner as the application of  
30 a person who proved his or her identity with a photo identification.

31 285:8 Effective Date. This act shall take effect 60 days after its passage.  
32

33 Approved: Enacted in accordance with Article 44, Part II, N.H. Constitution, without signature of  
34 governor, June 27, 2012.

35 Effective Date: August 26, 2012