

CHAPTER 260
HB 466-FN – FINAL VERSION

8Jan2014... 2222h
04/17/14 1395s
4Jun2014... 1941CofC

2013 SESSION

13-0801
03/10

HOUSE BILL ***466-FN***

AN ACT relative to determining qualifications of voters.

SPONSORS: Rep. Long, Hills 42

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill permits voters registering at the polling place on the date of a state general election to prove qualifications by swearing to a statement on the voter registration form.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 260
HB 466-FN – FINAL VERSION

8Jan2014... 2222h
04/17/14 1395s
4Jun2014... 1941CofC

13-0801
03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to determining qualifications of voters.

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

1 260:1 Voter Registration Form. Amend RSA 654:7, III-IV to read as follows:

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

16 IV.(a) A standard registration application form shall be used throughout the state. The
17 registration form shall be no larger than 8 1/2 inches by 11 inches.

18 (b) The secretary of state shall prescribe the form of the voter registration form **to be**
19 **used for voter registrations other than those at the polling place on the date of a state**
20 **general election**, which shall be in substantially the following form:

21 Date _____

22 VOTER REGISTRATION FORM

23 (Please print or type)

24 1. Name _____

25 Last (suffix) First Full Middle Name

26 2. Domicile Address _____

27 Street Ward Number

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 2 -

1 _____

2 Town or City Zip Code

3 3. Mailing Address if different than in 2 _____

4 Street [Ward Number]

5 _____

6 Town or City Zip Code

7 4. Place and Date of Birth _____

8 Town or City State

9 Date _____

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

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

12 _____

13 6. Place last registered to vote _____

14 Street Ward Number

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

16 _____

17 8. Party Affiliation (if any) _____

18 9. Driver's License Number _____ State _____

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

21 My name is _____. I am today registering to vote in the city/town of
22 _____, New Hampshire.

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

25 I understand that a person can claim only one state and one city/town as his or her domicile at a
26 time. A domicile is that place, to which upon temporary absence, a person has the intention of
27 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in
28 any other state or any other city/town.

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

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

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

36 I acknowledge [~~that I have read and understand the above qualifications~~] **that I have read and**

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 3 -

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

5 _____
6 Date Signature *of Applicant*

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

11 (c) *The secretary of state shall prescribe the form of the voter registration form*
12 *to be used only for voter registrations at the polling place on the date of a state general*
13 *election, which shall be in substantially the following form:*

14 Date _____

VOTER REGISTRATION FORM

16 **FOR USE AT THE POLLING PLACE ON THE DATE OF THE STATE GENERAL ELECTION**

(Please print or type)

18 1. Name _____

19 Last (suffix) First Full Middle Name

20 2. Domicile Address _____

21 Street Ward Number

22 _____
23 Town or City Zip Code

24 3. Mailing Address if different than in 2 _____

25 Street

26 _____
27 Town or City Zip Code

28 4. Place and Date of Birth _____

29 Town or City State

30 Date _____

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

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

33 _____
34 6. Place last registered to vote _____

35 Street Ward Number

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

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 5 -

1 (initials)

2 **Domicile** *yes/no* _____

3 (initials)

4 _____

5 **Applicant**

Election Official

6 _____

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

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

12 260:2 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

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

19 Date: _____

20 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

21 Name: _____

22 Name at birth if different: _____

23 Place of birth: _____

24 Date of birth: _____

25 Date and Place of Naturalization: _____

26 Domicile Address: _____

27 Mailing Address (if different): _____

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

34 _____

35 (Signature of applicant)

36 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 6 -

1 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
2 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
3 vote or voting is subject to a civil penalty not to exceed \$5,000.

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

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

10 Identity

11 Citizenship

12 Age

13 _____

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

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

20 (c) DOMICILE. Any reasonable documentation which indicates that the applicant has a
21 domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in
22 which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or
23 her possession at the place and time of voter registration, **a sworn statement on the general**
24 **election day voter registration form, or** an affidavit in the following form, which shall be retained
25 in accordance with RSA 33-A:3-a:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street

Ward Number

Town or City

Zip Code

Current Mailing Address (if different): _____

Street

Ward Number

Town or City

Zip Code

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 7 -

1 Date when current domicile was established: Month: ____ Year: ____

2 Place and date of birth: _____

3 Address of last previous domicile: _____

4 Street Ward Number

5 _____

6 Town or City Zip Code

7 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not
8 currently in possession of necessary documents to prove my domicile and that my established
9 domicile is at the current domicile address I have entered above. I understand that a person can
10 claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to
11 which upon temporary absence, a person has the intention of returning. By registering or voting
12 today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the
13 best of my knowledge and belief the information above is true and correct.

14 _____

15 (Signature of applicant)

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

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

25 _____

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

27 260:3 Reference Changed. Amend the introductory paragraph of RSA 654:12, II(b) to read as
28 follows:

29 (b) Any one of the following is presumptive evidence of the identity of an applicant
30 sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath
31 of an applicant swearing to a qualified voter, domicile, or election day affidavit **or a sworn**
32 **statement on the general election day voter registration form:**

33 260:4 Reference Changed. Amend RSA 654:12, III to read as follows:

34 III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration
35 as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship,
36 and domicile relate to the applicant. A person who has in his or her immediate possession a photo

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 8 -

1 identification approved for use by paragraph II must present that identification when applying for
2 registration. A person who does not have an approved photo identification with him or her may
3 establish identity through completion of the qualified voter affidavit, which shall be retained in
4 accordance with RSA 33-A:3-a, **or a sworn statement on the general election day voter**
5 **registration form**. Residents of a nursing home or similar facility may prove their identity through
6 verification of identity by the administrator of the facility or by his or her designee. For the purposes
7 of this section, the application of a person whose identity has been verified by an official of a nursing
8 home or similar facility shall be treated in the same manner as the application of a person who
9 proved his or her identity with a photo identification.

10 260:5 Reference Changed. Amend RSA 654:12, V(a) to read as follows:

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

29 260:6 Reference Changed. Amend RSA 654:12, V(d) to read as follows:

30 (d) Within 90 days of each election, the secretary of state shall cause a list of persons
31 executing domicile affidavits **and sworn statements on the general election day voter**
32 **registration form** since the prior election to be forwarded to the attorney general and the division of
33 motor vehicles. The secretary of state shall send a letter to each such person informing him or her of
34 a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New
35 Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the
36 election is a state primary election, the letter shall be mailed 60 days after the general election, and

CHAPTER 260
HB 466-FN – FINAL VERSION
- Page 9 -

1 if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or
2 January 1 next following the election. The secretary of state shall mark the envelope with
3 instructions to the United States Post Office not to forward the letter and to provide address
4 correction information.

5 260:7 Effective Date. This act shall take effect upon its passage.

6

7 Approved: July 28, 2014

8 Effective Date: July 28, 2014