

HB 600-FN – AS INTRODUCED

2013 SESSION

13-0773  
03/09

HOUSE BILL            **600-FN**

AN ACT                relative to voter registration.

SPONSORS:            Rep. Weber, Ches 1; Rep. Gale, Hills 28; Rep. Berch, Ches 1; Rep. Phillips, Ches 5;  
Sen. Lasky, Dist 13; Sen. Pierce, Dist 5

COMMITTEE:          Election Law

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ANALYSIS

This bill modifies forms and procedures for voter registration. This bill also states that a person's claim of domicile in this state for voting purposes shall not be conclusive of the person's residence for any other legal purpose.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to voter registration.

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

1 1 Eligibility; Voter; 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***  
12 ***legal purpose.***

13 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 and not~~  
19 ~~otherwise disqualified to vote.~~

20 ~~II. The applicant shall be required to produce appropriate proof of qualifications as provided~~  
21 ~~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 RSA 654:12,~~  
23 ~~he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and~~  
24 ~~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  
27 prescribe the form of the voter registration form, which shall be in substantially the following form:

28 Date \_\_\_\_\_

29 VOTER REGISTRATION FORM

30 (Please print or type)

31 1. Name \_\_\_\_\_



HB 600-FN – AS INTRODUCED

- Page 3 -

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

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

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

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

12 \_\_\_\_\_

13 Date Signature

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

18 3 Qualified Voter Affidavit. Amend RSA 654:12, I(a) to read as follows:

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

25 Date: \_\_\_\_\_

26 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

27 Name: \_\_\_\_\_

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

29 Place of birth: \_\_\_\_\_

30 Date of birth: \_\_\_\_\_

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

32 [Domicile Address: \_\_\_\_\_

33 Mailing Address (if different): \_\_\_\_\_]

34 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I [~~am not in~~  
35 ~~possession of some or all of the documents necessary to prove my identity, citizenship, and age and~~  
36 ~~that I~~] am the identical person whom I represent myself to be, that I am a duly qualified voter of this  
37 town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or

HB 600-FN – AS INTRODUCED

- Page 4 -

1 will be at the next election, and that to the best of my knowledge and belief the information above is  
2 true and correct.

3 \_\_\_\_\_  
4 (Signature of applicant)

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

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

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

15 ~~—  Identity~~

16 ~~—  Citizenship~~

17 ~~—  Age]~~

18 \_\_\_\_\_  
19 Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

20 4 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

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

26 DOMICILE AFFIDAVIT

27 Date: \_\_\_\_\_

28 Name: \_\_\_\_\_

29 Current Domicile Address: \_\_\_\_\_

30 Street Ward Number

31 \_\_\_\_\_  
32 Town or City Zip Code

33 [~~Current Mailing Address (if different): \_\_\_\_\_~~

34 ~~\_\_\_\_\_ Street \_\_\_\_\_ Ward Number~~

35 \_\_\_\_\_  
36 ~~\_\_\_\_\_ Town or City \_\_\_\_\_ Zip Code]~~

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

**HB 600-FN – AS INTRODUCED**  
**- Page 5 -**

1 Place and date of birth: \_\_\_\_\_  
2 Address of last previous domicile: \_\_\_\_\_  
3 Street Ward Number  
4 \_\_\_\_\_  
5 Town or City Zip Code

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

15 \_\_\_\_\_  
16 (Signature of applicant)

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

26 \_\_\_\_\_  
27 Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

28 5 Voter Records. Amend RSA 654:12, V(a)-(b) to read as follows:

29 V.(a) The election official approving the application for registration as voter of a person who  
30 does not present an approved form of photo identification as proof of identity when registering, shall  
31 mark the voter registration form to indicate that no photo identification was presented and shall  
32 inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or  
33 she will receive a letter of identity verification. The person entering the voter information into the  
34 centralized voter registration database shall determine if the person is listed in the system as having  
35 been previously registered in the town or ward reported by the applicant on the voter registration  
36 form. If the person is a new registrant who has not been previously registered anywhere in  
37 New Hampshire or if the centralized voter registration database does not confirm a previous

**HB 600-FN – AS INTRODUCED**  
**- Page 6 -**

1 registration claimed on the voter registration form, the election official shall cause the record created  
2 in the centralized voter registration database to indicate that the person is a new applicant in  
3 New Hampshire and that no photo identification was presented. When municipalities enter  
4 information on people who register on election day into the centralized voter registration database, to  
5 the extent practical applicants who are registering for the first time in New Hampshire and who also  
6 register without presenting an approved photo identification shall be entered first. ~~[The person~~  
7 ~~entering the voter information of election day residents into the centralized voter registration~~  
8 ~~database shall cause the records to indicate if the voter executed a domicile affidavit.]~~

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

23 6 Repeal. RSA 654:12, V(d)-(f), relative to domicile verification, is repealed.

24 7 Qualifications of Voter Applicant; Identity. Amend RSA 654:12, III to read as follows:

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

**HB 600-FN – AS INTRODUCED**  
**- Page 7 -**

1 same manner as the application of a person who proved his or her identity with a photo  
2 identification.

3 8 Effective Date. This act shall take effect 60 days after its passage.



**HB 600 FISCAL NOTE**

AN ACT relative to voter registration.

**FISCAL IMPACT:**

The Department of State states this bill, as introduced, may decrease state expenditures by \$3,600 in FY 2013, \$7,200 in FY 2014, \$36,000 in FY 2015, \$21,600 in FY 2016, and \$36,000 in FY 2017. The Judicial Branch and New Hampshire Association of Counties state the fiscal impact of this bill on state and county revenue and expenditures is indeterminable. There will be no impact on local revenue or expenditures.

**METHODOLOGY:**

The Department of State (DOS) reports this bill modifies forms and procedures for voter registration and also provides that a person's claim of domicile for voting purposes shall not be conclusive of the person's residence for any other legal purpose. DOS states this bill would eliminate the current verification mailings for domicile affidavits which do not require an affirmative response from the voter. DOS reports each verification mailing costs approximately \$2.00 and during the 2012 general election approximately 1.8 percent of voters filled out a domicile affidavit to register to vote. DOS assumes elections in future years will have the same domicile affidavit rate (1.8% of voters) and the same mailing cost per item (\$2.00). DOS calculates the following decreases in expenditures based on the election schedule and its assumptions noted above.

<b>Election Type</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
# Town Voters	100,000	100,000	100,000	100,000	100,000
# City Voters	--	100,000	100,000	100,000	100,000
# Primary Voters	--	--	200,000	--	200,000
# General Voters	--	--	600,000	--	600,000
# Presidential Primary Voters	--	--	--	400,000	--
# Total Voters	100,000	200,000	1,000,000	600,000	1,000,000
Affidavit Rate	x 1.8%	x 1.8%	x 1.8%	x 1.8%	x 1.8%
Estimated Voters	1,800	3,600	18,000	10,800	18,000
Cost per mailing	x \$2.00	x \$2.00	x \$2.00	x \$2.00	x \$2.00
<b>Expenditure</b>	<b>(\$3,600)</b>	<b>(\$7,200)</b>	<b>(\$36,000)</b>	<b>(\$21,600)</b>	<b>(\$36,000)</b>

The Judicial Branch states this bill enacts no new offenses, however, voter fraud provisions of RSA 659:34 still apply. The Judicial Branch has no information on which to estimate how many additional or fewer charges will result from this bill under RSA 659:34. The Judicial

Branch notes that over the last decade there have been only six voter fraud cases prosecuted in the district or superior courts. Assuming this historical trend continues, and this bill does not change the historical trend, the Branch expects minimal fiscal impact as a result of this bill.

The New Hampshire Association of Counties states, to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged, convicted, or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Judicial Council, noting this bill does not modify the criminal penalties for violating the laws related to voter registration nor the consequences of giving false information regarding one's identity or domicile, states the Council has not had to expend funds to provide indigent defense representation to anyone charged with voter fraud or a violation of RSA 654 over the last ten years. The Council assumes this bill would have no fiscal impact because the number of voter fraud cases prosecuted in the state will remain unchanged in the future.

The Department of Justice states no fiscal impact would result from this bill because any investigations and prosecutions would be absorbed within the Department's existing budget.