

CHAPTER 74
SB 275 – FINAL VERSION

02/13/14 0439s

2014 SESSION

14-2714
03/01

SENATE BILL **275**

AN ACT relative to refusal to certify an absentee ballot application.

SPONSORS: Sen. Boutin, Dist 16; Rep. Fields, Belk 4

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill modifies procedures by election officials following refusal to certify an absentee ballot application.

This bill was requested by the department of state.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to refusal to certify an absentee ballot application.

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

1 74:1 Refusal to Certify Absentee Ballot Application. Amend RSA 657:16 to read as follows:

2 657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or
3 city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk
4 shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted
5 unless the applicant submits the documents necessary to complete an absentee registration. The
6 applicant shall be advised in writing what documents, if any, have been received in proper form and
7 which the applicant must submit in the outer envelope that contains the absentee ballot envelope.
8 The town or city clerk shall mark the absentee ballot application, ~~and~~ the absentee ballot affidavit,
9 **and the outer envelope** with the words “Not Registered.” **Upon receipt of an outer envelope**
10 **marked “Not Registered,” the clerk shall open the outer envelope.** If the applicant returns the
11 required documents in proper form with the absentee ballot and if the applicant is found to be
12 qualified, the town or city clerk, shall forward the registration forms to the ~~supervisor~~ **supervisors**
13 of the checklist and the applicant shall be registered and his or her absentee ballot shall be processed
14 in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned
15 without the required documents in proper form, the ballot shall be marked in the manner set forth
16 by law for successfully challenged absentee ballots and preserved in accordance with RSA 33-A:3-a.
17 The clerk shall preserve the application of any applicant who is not registered as a voter until the
18 time set by law for the destruction of the ballots after the election at which time the application shall
19 be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or
20 she may order to require that the name of the person making application for an absentee ballot be
21 placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

22 74:2 Procedure by Clerk. Amend RSA 657:18 to read as follows:

23 657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official
24 absentee voting ballot, the clerk of the city or town shall, **subject to RSA 657:16**, attach thereto the
25 application for an absentee ballot submitted by said voter and record the information pursuant to
26 RSA 657:15. All such envelopes shall be preserved unopened until election day.

27 74:3 Effective Date. This act shall take effect 60 days after its passage.

28 Approved: May 27, 2014

29 Effective Date: July 26, 2014