

HB 627-FN - AS INTRODUCED

2015 SESSION

15-0125  
03/01

HOUSE BILL            **627-FN**

AN ACT                relative to registering to vote.

SPONSORS:            Rep. Marston, Hills 19; Rep. Lachance, Hills 8; Rep. Mullen, Straf 1

COMMITTEE:          Election Law

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ANALYSIS

This bill eliminates election day voter registration and enacts provisions of the National Voter Registration Act.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT relative to registering to vote.

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

1 1 Voter Registration. Amend RSA 654:7, III 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 subparagraph IV(b)~~], unless the person is registering at the polling place on~~  
5 ~~the date of a state general election. If an applicant is registering at the polling place on the date of a~~  
6 ~~state general election and is unable to provide the proof of qualifications as required in RSA 654:12,~~  
7 ~~he or she may register by completing the form in subparagraph IV(e) under oath, which oath may be~~  
8 ~~witnessed by an election official or any other person, working in conjunction with the supervisors of~~  
9 ~~the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice~~  
10 ~~of the peace or notary public; should the applicant not otherwise have proof of identity and therefore~~  
11 ~~be relying upon the form for proof of identity, the act of swearing to the form shall constitute~~  
12 ~~sufficient proof of identity for the purposes of any person administering the oath, notwithstanding~~  
13 ~~any language to the contrary in any laws relating to the administering of oaths for other purposes].~~

14 2 Voter Registration. Amend RSA 654:7, IV(b) to read as follows:

15 (b) The secretary of state shall prescribe the form of the voter registration form to be  
16 used for voter registrations ~~[other than those at the polling place on the date of a state general~~  
17 ~~election]~~, which shall be in substantially the following form:

18 Date \_\_\_\_\_

19 VOTER REGISTRATION FORM

20 (Please print or type)

21 1. Name \_\_\_\_\_

22 Last (suffix) First Full Middle Name

23 2. Domicile Address \_\_\_\_\_

24 Street Ward Number

25 \_\_\_\_\_

26 Town or City Zip Code

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

28 Street

29 \_\_\_\_\_

30 Town or City Zip Code

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



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1 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to  
2 vote or voting is subject to a civil penalty not to exceed \$5,000.

3 3 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

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

10 Date: \_\_\_\_\_

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

12 Name: \_\_\_\_\_

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

14 Place of birth: \_\_\_\_\_

15 Date of birth: \_\_\_\_\_

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

17 Domicile Address: \_\_\_\_\_

18 Mailing Address (if different): \_\_\_\_\_

19 Telephone number (requested but optional) \_\_\_\_\_

20 Email address (requested but optional) \_\_\_\_\_

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

27 \_\_\_\_\_

28 (Signature of applicant)

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

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

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

2  Identity

3  Citizenship

4  Age

5 \_\_\_\_\_

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

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

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

DOMICILE AFFIDAVIT

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

19 Name: \_\_\_\_\_

20 Current Domicile Address: \_\_\_\_\_

21 Street Ward Number

22 \_\_\_\_\_

23 Town or City Zip Code

24 Current Mailing Address (if different): \_\_\_\_\_

25 Street Ward Number

26 \_\_\_\_\_

27 Town or City Zip Code

28 Telephone number (requested but optional) \_\_\_\_\_

29 Email address (requested but optional) \_\_\_\_\_

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

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

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

33 Street Ward Number

34 \_\_\_\_\_

35 Town or City Zip Code

36 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not

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1 currently in possession of necessary documents to prove my domicile and that my established  
2 domicile is at the current domicile address I have entered above. I understand that a person can  
3 claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to  
4 which upon temporary absence, a person has the intention of returning. By registering [~~or voting~~]  
5 today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the  
6 best of my knowledge and belief the information above is true and correct.

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

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

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

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

20 4 Determining Qualifications of Applicant. Amend the introductory paragraph of RSA 654:12,  
21 II(b) to read as follows:

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

26 5 Determining Qualifications of Applicant. Amend RSA 654:12, III to read as follows:

27 III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration  
28 as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship,  
29 and domicile relate to the applicant. A person who has in his or her immediate possession a photo  
30 identification approved for use by paragraph II must present that identification when applying for  
31 registration. A person who does not have an approved photo identification with him or her may  
32 establish identity through completion of the qualified voter affidavit, which shall be retained in  
33 accordance with RSA 33-A:3-a[~~]~~ ~~or a sworn statement on the general election day voter registration~~  
34 ~~form~~]. Residents of a nursing home or similar facility may prove their identity through verification  
35 of identity by the administrator of the facility or by his or her designee. For the purposes of this  
36 section, the application of a person whose identity has been verified by an official of a nursing home  
37 or similar facility shall be treated in the same manner as the application of a person who proved his

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1 or her identity with a photo identification.

2 6 Determining Qualifications of Applicant. Amend RSA 654:12, V to read as follows:

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

21 ~~(b) The secretary of state shall cause a letter of identity verification to be mailed by first~~  
22 ~~class mail to each voter identified at any election as a first time election day registrant in~~  
23 ~~New Hampshire who also did not verify his or her identity with an approved photo identification.~~  
24 ~~The letter shall be mailed by January 10 in every odd numbered year in the case of persons~~  
25 ~~registering at a state primary or general election, or within 90 days after any other election. The~~  
26 ~~secretary of state shall mark the envelope with instructions to the United States Post Office not to~~  
27 ~~forward the letter and to provide address correction information. The letter shall notify the person~~  
28 ~~that a person who was unable to present photo identification registered or registered and voted using~~  
29 ~~his or her name and address and instruct the person to return the letter within 45 days with a~~  
30 ~~written confirmation that the person registered and voted or to contact the attorney general~~  
31 ~~immediately if he or she did not register and vote. Any voter under a protective order pursuant to~~  
32 ~~RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall~~  
33 ~~not be subject to the provisions of paragraph V.~~

34 ~~(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b)~~  
35 ~~that are returned as undeliverable by the United States Post Office to be referred to the attorney~~  
36 ~~general. The secretary of state shall also prepare and forward to the attorney general a list of all~~  
37 ~~persons who were mailed letters under subparagraph (b) and have not confirmed their registration.~~

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1 Upon receipt of notice from a person who receives a letter of identity verification that the person did  
2 not register and vote, or upon receipt of a referral from the secretary of state, the attorney general  
3 shall cause an investigation to be made to determine whether fraudulent registration or voting  
4 occurred.

5 (d) ~~Within 90 days of each election, the secretary of state shall cause a list of persons~~  
6 ~~executing domicile affidavits and sworn statements on the general election day voter registration~~  
7 ~~form since the prior election to be forwarded to the attorney general and the division of motor~~  
8 ~~vehicles. The secretary of state shall send a letter to each such person informing him or her of a~~  
9 ~~driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a~~  
10 ~~New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if~~  
11 ~~the election is a state primary election, the letter shall be mailed 60 days after the general election,~~  
12 ~~and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1~~  
13 ~~or January 1 next following the election. The secretary of state shall mark the envelope with~~  
14 ~~instructions to the United States Post Office not to forward the letter and to provide address~~  
15 ~~correction information.~~

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

20 (f) ~~Upon completion of any investigation authorized under this section, the attorney~~  
21 ~~general shall forward a report summarizing the results of the investigation to the speaker of the~~  
22 ~~house of representatives, the president of the senate, and the chairpersons of the appropriate house~~  
23 ~~and senate standing committees with jurisdiction over election law.]~~

24 7 New Subdivision; Additional Voter Registration Procedures. Amend RSA 654 by inserting  
25 after section 46 the following new subdivision:

26 Additional Voter Registration Procedures

27 654:47 Definitions. In this subdivision:

28 I. "Motor vehicle driver's license" means any personal identification document issued by the  
29 department of safety.

30 II. "Voter registration agency" means an office designated to perform specific voter  
31 registration activities.

32 654:48 Voter Registration Agencies.

33 I. There are designated the following voter registration agencies:

34 (a) The department of health and human services.

35 (b) The department of education.

36 II. At each voter registration agency, the following services shall be available:

37 (a) Distribution of voter registration application forms in accordance with this chapter.



1 (b) Assistance to applicants in completing voter registration application forms, unless  
2 the applicant refuses the assistance.

3 (c) Acceptance of completed voter registration application forms for transmittal to the  
4 appropriate supervisors of the checklist.

5 III. If a voter registration agency designated under the provisions of this section provides  
6 services to a person with a disability at the person's home, the agency shall provide the services  
7 described in paragraph II at the person's home.

8 IV. A person who provides services described in paragraph II shall not:

9 (a) Seek to influence an applicant's political preference;

10 (b) Display a political preference or party allegiance;

11 (c) Make any statement to an applicant or take any action, the purpose or effect of which  
12 is to discourage the applicant from registering to vote; or

13 (d) Make any statement to an applicant or take any action, the purpose or effect of which  
14 is to lead the applicant to believe that a decision to register to vote has any bearing on the  
15 availability of services or benefits.

16 V. A voter registration agency that is an office that provides service or assistance in addition  
17 to conducting voter registration shall:

18 (a) Distribute to each applicant for the service or assistance, and with each  
19 recertification, renewal, or change of address form relating to the service or assistance, the voter  
20 registration application form, including a statement that:

21 (1) Specifies each eligibility requirement, including citizenship;

22 (2) Contains an attestation that the applicant meets the requirement; and

23 (3) Requires the signature of the applicant, under penalty of perjury; or

24 (b) Provide a form that includes:

25 (1) The question, "If you are not registered to vote where you live now, would you like  
26 to apply to register to vote here today?"

27 (2) If the agency provides public assistance, the statement, "Applying to register or  
28 declining to register to vote will not affect the amount of assistance that you will be provided by this  
29 agency."

30 (3) Boxes for the applicant to check to indicate whether the applicant would like to  
31 register or decline to register to vote, failure to check either box being considered to constitute a  
32 declination to register for purposes of paragraph VI, together with the statement, in close proximity  
33 to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE  
34 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

35 (4) The statement, "If you would like help in filling out the voter registration  
36 application form, we will help you. The decision whether to seek or accept help is yours. You may  
37 fill out the application form in private."

1           (5) The statement, “If you believe that someone has interfered with your right to  
2 register or decline to register to vote, your privacy in deciding whether to register, or in applying to  
3 register to vote, you may file a complaint with the State Attorney General.” The name, address, and  
4 telephone number of the attorney general shall be printed on the form.

5           (c) Provide to each applicant who does not decline to register to vote the same degree of  
6 assistance with regard to the completion of the registration application form as is provided by the  
7 office with regard to the completion of its own forms, unless the applicant refuses the assistance.

8           VI. No information relating to a declination to register to vote in connection with an  
9 application made at voter registration agency may be used for any purpose other than voter  
10 registration.

11           VII.(a) A completed registration application accepted at a voter registration agency shall be  
12 transmitted to the appropriate supervisors of the checklist not later than 10 days after acceptance.

13           (b) If a registration application is accepted within 5 days before the last day for  
14 registration to vote in an election, the application shall be transmitted to the appropriate supervisors  
15 of the checklist not later than 5 days after the date of acceptance.

16           654:49 Driver’s License Application.

17           I. Each state motor vehicle driver’s license application, including a renewal application,  
18 submitted to the department of safety, division of motor vehicles, serves as an application for voter  
19 registration unless the applicant fails to sign the voter registration application. Failure to sign the  
20 voter registration portion of the driver’s license application serves as a declination to register.

21           II. An application for voter registration submitted under paragraph I shall be considered to  
22 update any previous voter registration by the applicant.

23           III. No information relating to the failure of an applicant for a state motor vehicle driver’s  
24 license to sign a voter registration application may be used for any purpose other than voter  
25 registration.

26           IV. The department of safety, division of motor vehicles, shall include a voter registration  
27 form as part of an application for a state motor vehicle driver’s license.

28           V. The voter registration application portion of an application for a state motor vehicle  
29 driver’s license:

30           (a) Shall not require any information that duplicates information required in the driver’s  
31 license portion of the form, other than a second signature or other information necessary under  
32 subparagraph (c);

33           (b) Shall require only the minimum amount of information necessary to:

34                   (1) Prevent duplicate voter registrations; and

35                   (2) Enable a board of supervisors of the checklist to assess the eligibility of the  
36 applicant and to administer voter registration and other parts of the election process;

37           (c) Shall include a statement that:

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- 1                   (1) States each eligibility requirement, including citizenship;
- 2                   (2) Contains an attestation that the applicant meets each requirement; and
- 3                   (3) Requires the signature of the applicant under penalty of perjury;
- 4           (d) Shall include in print identical to that used in the attestation portion of the
- 5 application:
- 6                   (1) The information required in subparagraph (c);
- 7                   (2) A statement that, if an applicant declines to register to vote, the fact that the
- 8 applicant has declined to register will remain confidential and will be used only for voter registration
- 9 purposes; and
- 10                  (3) A statement that, if an applicant does register to vote, the office at which the
- 11 applicant submits a voter registration application will remain confidential and will be used only for
- 12 voter registration purposes; and
- 13                  (e) Shall be made available, as submitted by the applicant, to the appropriate
- 14 supervisors of the checklist.

15           VI. A change of address form submitted in accordance with state law for purposes of a state

16 motor vehicle driver's license serves as notification of change of address for voter registration unless

17 the qualified elector states on the form that the change of address is not for voter registration

18 purposes.

19           VII.(a) A completed voter registration portion of an application for a state motor vehicle

20 driver's license accepted at a state motor vehicle authority must be transmitted to the appropriate

21 supervisors of the checklist no later than 10 days after the date of acceptance.

22                  (b) If a registration application is accepted within 5 days before the last day for

23 registration to vote in an election, the application must be transmitted to the appropriate supervisors

24 of the checklist not later than 5 days after the date of acceptance.

25           654:50 Deadlines and Administration.

26           I. In the case of registration with a motor vehicle application under RSA 654:48, the valid

27 voter registration form of the applicant must be completed at the department of safety, division of

28 motor vehicles, no later than 30 days before the date of the election.

29           II. In the case of registration by mail under RSA 654:51, the valid voter registration form of

30 the applicant must be postmarked no later than 30 days before the date of the election.

31           III. In the case of registration at a voter registration agency, the valid voter registration

32 form of the applicant must be completed at the voter registration agency no later than 30 days before

33 the date of the election.

34           IV. In any other case, the valid voter registration form of the applicant must be received by

35 the appropriate supervisors of the checklist no later than 30 days before the date of the election.

36           V.(a) The appropriate supervisors of the checklist shall:

- 37                  (1) Send notice to each applicant of the disposition of the application; and

1           (2) Ensure that the identity of the voter registration agency through which a  
2 particular voter is registered is not disclosed to the public.

3           (b) If the notice sent pursuant to the provisions of subparagraph (a)(1) is returned to the  
4 supervisors of the checklist as undeliverable, the elector to whom it was sent shall be reported by the  
5 supervisors to the secretary of state. The secretary of state shall place the elector in an inactive  
6 status on the centralized voter registration database and may remove this elector upon compliance  
7 with the provisions of paragraph VI.

8           VI.(a) The secretary of state may not remove the name of a qualified elector from the official  
9 list of eligible voters on the ground that the qualified elector has changed residence unless the  
10 qualified elector:

11           (1) Confirms in writing that the qualified elector has changed residence to a place  
12 outside the town in which the qualified elector is registered; or

13           (2)(A) Has failed to respond to a notice described in subparagraph (b); and

14           (B) Has not voted or appeared to vote and, if necessary, correct the appropriate  
15 supervisors of the checklist's record of the qualified elector's address, in an election during the period  
16 beginning on the date of the notice and ending on the day after the date of the second general  
17 election that occurs after the date of the notice.

18           (b) "Notice," as used in this paragraph, means a postage prepaid and preaddressed  
19 return card, sent by forwardable mail, on which the qualified elector may state his or her current  
20 address, together with a statement to the following effect:

21           (1) If the qualified elector did not change his or her residence, or changed residence  
22 but remained in the same town, the qualified elector shall return the card no later than 30 days  
23 before the date of the election. If the card is not returned, affirmation or confirmation of the  
24 qualified elector's address may be required before the qualified elector is permitted to vote during the  
25 period beginning on the date of the notice and ending on the day after the date of the second general  
26 election that occurs after the date of the notice, and if the qualified elector does not vote in an  
27 election during that period, the qualified elector's name must be removed from the list of eligible  
28 voters;

29           (2) If the qualified elector has changed residence to a place outside the town in which  
30 the qualified elector is registered, information as to how the qualified elector can re-register to vote.

31           (c) The appropriate supervisors of the checklist shall correct an official list of eligible  
32 voters in accordance with change of residence information obtained pursuant to the provisions of this  
33 paragraph.

34           (d) The requirements of this section must be completed no later than 90 days before the  
35 date of a statewide primary or general election.

36           (e) Each elector whose name has been deleted has 20 days from the date the notice is  
37 mailed to appeal. The appeal shall be to the ballot law commission. If the ballot law commission

1 determines that the elector's name should not have been deleted, it shall instruct the secretary of  
2 state to restore his or her name to the registration books.

3 654:51 Registration by Mail. Subject to the requirements of this chapter, any qualified citizen  
4 may register to vote by mailing or having delivered a completed state registration by mail  
5 application form or a completed national registration by mail application form prescribed by the  
6 Federal Election Commission not later than 30 days before any election to the appropriate  
7 supervisors of the checklist. The postmark date of a mailed application is considered the date of  
8 mailing. If the postmark date is missing or illegible, the supervisors of the checklist must accept the  
9 application if it is received by mail no later than 5 days after the close of the registration books  
10 before any election.

11 654:52 Application Forms.

12 I. The secretary of state shall furnish a sufficient number of application forms to the  
13 supervisors of the checklist and voter registration agencies so that distribution of the application  
14 forms may be made to various locations throughout the state and mailed to persons requesting them.

15 II. Supervisors of the checklist shall distribute application forms to various locations in their  
16 respective towns, including town halls and public libraries, where they must be readily available to  
17 the public.

18 654:53 Notification of Change of Address.

19 I. A qualified elector who has moved from an address in a town or ward to an address in the  
20 same town or ward shall, notwithstanding failure to notify the supervisors of the checklist of the  
21 change of address prior to the date of an election, be permitted to vote at that town or ward's polling  
22 place upon oral or written affirmation by the qualified elector of the change of address before an  
23 election official at that polling place.

24 II. A qualified elector who has moved from an address in one town or ward to an address in  
25 another town or ward and who has failed to notify the appropriate supervisors of the checklist of the  
26 change of address before the date of an election, at the option of the elector shall be permitted to  
27 correct the voting records and vote provisional ballots containing only the races for federal and  
28 statewide offices pursuant to the provisions of this subdivision at the elector's former polling place,  
29 upon oral or written affirmation by the elector of the new address before an election official at that  
30 polling place.

31 III. If the registration records indicate inaccurately that a qualified elector has moved from  
32 an address in the town or ward, the elector shall be permitted to vote at that polling place, upon oral  
33 or written affirmation by the elector before an election official at that polling place that the qualified  
34 elector continues to reside at his or her address.

35 654:54 Provisional Voting Requirements. If an individual declares that such individual is a  
36 registered voter in the town or ward in which the individual desires to vote and that the individual is  
37 eligible to vote in an election for federal office, but the name of the individual does not appear on the

1 official list of eligible voters for the polling place or an election official asserts that the individual is  
2 not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

3 I. An election official at the polling place shall notify the individual that the individual may  
4 cast a provisional ballot in that election.

5 II. The individual shall be permitted to cast a provisional ballot at that polling place upon  
6 the execution of a written affirmation by the individual before an election official at the polling place  
7 stating that the individual is:

8 (a) A registered voter in the town or ward in which the individual desires to vote; and

9 (b) Eligible to vote in that election.

10 III. An election official at the polling place shall transmit the ballot cast by the individual or  
11 the voter information contained in the written affirmation executed by the individual under  
12 paragraph II to an appropriate state or local election official for prompt verification under paragraph  
13 IV.

14 IV. If the appropriate state or local election official to whom the ballot or voter information is  
15 transmitted under paragraph III determines that the individual is eligible under state law to vote,  
16 the individual's provisional ballot shall be counted as a vote in that election in accordance with state  
17 law.

18 V.(a) At the time that an individual casts a provisional ballot, the appropriate state or local  
19 election official shall give the individual written information that states that any individual who  
20 casts a provisional ballot will be able to ascertain under the system established under subparagraph  
21 (b) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not  
22 counted.

23 (b) The appropriate state or local election official shall establish a free access system,  
24 such as a toll-free telephone number or an Internet website, that any individual who casts a  
25 provisional ballot may access to discover whether the vote of that individual was counted, and, if the  
26 vote was not counted, the reason that the vote was not counted.

27 8 Appointment. Amend RSA 658:7 to read as follows:

28 658:7 Appointment. For all state elections, the moderator is authorized to appoint an assistant  
29 moderator who shall take the oath of office in the same manner as the moderator. The moderator  
30 may also appoint such other election officials as he or she deems necessary and request the town  
31 clerk to appoint an assistant town clerk. The assistant moderator, assistant town clerk, and said  
32 other election officials shall take the oath of office and perform such duties and have such powers as  
33 the moderator may delegate to them, except that the power of making the declaration of the vote cast  
34 shall not be delegated to them. ~~[The supervisors of the checklist are authorized to appoint assistant~~  
35 ~~supervisors of the checklist who shall be assistant election officials and have the powers of~~  
36 ~~supervisors for the purpose of registering voters on election day.]~~ The provisions of this section shall  
37 apply only to the appointment of assistant election officials to serve at the central polling place.

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1 Appointment of officers to act at additional polling places shall be accomplished as provided in  
2 RSA 658:14.

3 9 Statutes Posted; References Deleted. Amend RSA 658:29 to read as follows:

4 658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the  
5 following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in  
6 the polling place at all elections: [~~RSA 654:7 a, RSA 654:7 b;~~] RSA 659:13, RSA 659:13-b,  
7 RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37,  
8 RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition,  
9 the secretary of state shall include any other statutes or regulations that are required to be posted by  
10 state or federal law. The secretary of state may also include statutes or regulations that, in the  
11 secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate  
12 official if the voter believes that his or her voting rights are being violated.

13 10 Letter of Identity Verification. Amend RSA 659:13, IV to read as follows:

14 IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first  
15 class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption  
16 in accordance with paragraph I, [~~unless the same person is sent letter of identity verification~~  
17 ~~pursuant to RSA 654:12, V(b)~~]. The letter shall be mailed by January 10 in every odd-numbered year  
18 in the case of persons executing challenged voter affidavits or affidavits of religious exemption at a  
19 state primary or general election, or within 90 days after any other election. The secretary of state  
20 shall mark the envelope with instructions to the United States Post Office not to forward the letter  
21 and to provide address correction information. The letter shall notify the person that a person who  
22 did not present valid photo identification voted using his or her name and address and instruct the  
23 person to return the letter within 30 days with a written confirmation that the person voted or to  
24 contact the attorney general immediately if he or she did not vote. The letter shall also inform the  
25 person of the procedure for obtaining a free nondriver's picture identification card for voting  
26 purposes.

27 (b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a)  
28 that are returned as undeliverable by the United States Post Office to be referred to the attorney  
29 general. The secretary of state shall also prepare and forward to the attorney general a list of all  
30 persons who were mailed letters under subparagraph (a) and have not confirmed that they voted.  
31 Upon receipt of notice from a person who receives a letter of identity verification that the person did  
32 not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an  
33 investigation to be made to determine whether fraudulent voting occurred.

34 (c) Within 60 days after any election held after November 1, 2012, the secretary of state  
35 shall compile a report by voting district of the number of voters who [~~registered or~~] voted on election  
36 day but did not present valid photo identification, and forward the report to the speaker of the house  
37 of representatives, the president of the senate, and the chairpersons of the appropriate house and

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1 senate standing committees with jurisdiction over election law.

2 11 Penalties for Voter Fraud. Amend RSA 659:34, I(a) to read as follows:

3 (a) When registering to vote; when obtaining an official ballot; when casting a vote by  
4 official ballot; or when applying for a photo identification card for voting purposes, purposely or  
5 knowingly makes a false material statement regarding his or her qualifications as a voter to an  
6 election officer or submits a voter registration form, ~~[an election day registration affidavit,]~~ a  
7 qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, an affidavit of religious  
8 exemption, an identification card voucher, or an absentee registration affidavit containing false  
9 material information regarding his or her qualifications as a voter;

10 12 Neglect by Moderator and Clerk. Amend RSA 659:77, IV to read as follows:

11 IV. An election monitor appointed under paragraph III shall have full access to the polling  
12 place, including authority to directly observe ~~[the registration of voters on election day,]~~ the checking  
13 in of voters by inspectors of elections, assistance to voters with disabilities, the use of the accessible  
14 voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots,  
15 and may handle marked ballots for the purposes of instruction during the counting and tabulating  
16 process.

17 13 Preparation of Special Ballots. Amend RSA 668:5 to read as follows:

18 668:5 Preparation of Special Ballots. For any state election, the secretary of state shall prepare  
19 special ballots for the voters of all unincorporated places. For purposes of this section, "special  
20 ballots" shall mean the ballots to be used by all unincorporated places in the same state  
21 representative district as opposed to separate ballots for each unincorporated place. These special  
22 ballots shall have no location printed on them, but shall have a space where the name of an  
23 unincorporated place shall be entered by the town clerk of the designated town. The secretary of  
24 state shall print only the names of candidates for offices for which the voters of the unincorporated  
25 place are entitled to vote, as provided in RSA 668:4. It shall be the duty of the town clerk to make  
26 ready in advance a sufficient number of ballots for each person on the official checklist of the  
27 unincorporated places. ~~[If it is necessary because of election day registrations, extra ballots shall be  
28 prepared and the number attested to at the end of the voting.]~~ In all other respects, such special  
29 ballots shall be printed and forwarded to the town clerk in the same manner as the other ballots for  
30 the designated town.

31 14 Repeal. The following are repealed:

32 I. RSA 654:7, IV(c), relative to election day voter registration form.

33 II. RSA 654:7-a, relative to election day registration.

34 III. RSA 654:7-b, relative to effect of registration on election day.

35 IV. RSA 654:7-c, relative to observation of voter registration.

36 V. RSA 659:27, III, relative to challenges at voter registration table.

37 VI. RSA 659:73, V(a), relative to report of registrations.



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1       15 Effective Date.

2           I. Section 9 of this act shall take effect September 1, 2015, at 12:01 a.m.

3           II. The remainder of this act shall take effect 60 days after its passage.

LBAO  
15-0125  
01/26/15

**HB 627-FN - FISCAL NOTE**

AN ACT                    relative to registering to vote.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Department of Health and Human Services, Judicial Branch, New Hampshire Associations of Counties and the New Hampshire Municipal Association, who were contacted on 01/14/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.