

HB 652-FN - AS INTRODUCED

2015 SESSION

15-0541  
03/10

HOUSE BILL            **652-FN**

AN ACT                relative to undeclared voters.

SPONSORS:            Rep. Hansberry, Hills 35; Rep. Byron, Hills 20; Rep. Mangipudi, Hills 35; Rep. Karrick, Merr 25; Rep. P. Brown, Hills 31; Rep. Cohen, Hills 30; Rep. M. O'Brien, Sr., Hills 36; Sen. Lasky, Dist 13

COMMITTEE:          Election Law

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ANALYSIS

This bill allows undeclared voters to vote at primaries without registering as members of a party. This bill also makes various changes relating undeclared voters on the checklist.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to undeclared voters.

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

1           1 Checklist; Undeclared Voter History. Amend RSA 654:31, II to read as follows:

2           II.(a) In towns and cities, the public checklist as corrected by the supervisors shall be open  
3 for the examination of any person at all times before the opening of a meeting or election at which  
4 the list is to be used. The supervisors of the checklist or city or town clerk shall furnish one or more  
5 copies of the most recent public checklist of their town or city to any person requesting such copies.  
6 The supervisors of the checklist or city or town clerk may only provide checklist information for their  
7 town or city. The supervisors of the checklist or city or town clerk shall charge a fee of \$25 for each  
8 copy of the public checklist for a town or ward. For public checklists containing more than 2,500  
9 names, the supervisors of the checklist or city or town clerk shall charge a fee of \$25, plus \$0.50 per  
10 thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the  
11 checklist or city or town clerk may provide public checklist information on paper, computer disk,  
12 computer tape, electronic transfer, or any other form.

13           ***(b) The supervisors of the checklist or city or town clerk shall, upon request and***  
14 ***if available as a report in the statewide centralized voter registration database, provide an***  
15 ***undeclared voter history report that lists the name, domicile address, mailing address,***  
16 ***town or city, voter history, and party ballot chosen during primary elections, if any, of every***  
17 ***registered, undeclared voter in the town or city. The town or city shall charge a fee of \$15***  
18 ***plus shipping charges for each copy of the undeclared voter history report provided under***  
19 ***this subparagraph. The supervisors of the checklist or city or town clerk may provide the***  
20 ***undeclared voter history report on paper, computer disk, computer tape, electronic***  
21 ***transfer, or any other form.***

22           2 Checklist; Undeclared Voter List. Amend RSA 654:31, IV to read as follows:

23           IV.(a) The secretary of state shall, upon request, provide to a political party, as defined in  
24 RSA 664:2, IV, or to a political committee, as defined in RSA 664:2, III, a list of the name, domicile  
25 address, mailing address, town or city, voter history, and party affiliation, if any, of every registered  
26 voter in the state. The secretary of state shall, upon request, provide to a candidate for county, state,  
27 or federal office a list of the name, domicile address, mailing address, town or city, voter history, and  
28 party affiliation, if any, of every registered voter in the state or in the candidate's district. In this  
29 section, "voter history" means whether the person voted and, for primary elections, in which party's  
30 primary the person voted, in each state election for the preceding 2 years. The secretary of state  
31 shall charge a fee of \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus

1 shipping charges for each copy of the list provided under this section. In addition, the secretary of  
2 state shall charge and collect on behalf of and remit to the supervisors of the checklist of each city  
3 and town the amount that such supervisors would have charged had the public checklist of their city  
4 or town been purchased from them. The secretary of state may provide lists as prescribed in this  
5 section on paper, computer disk, computer tape, electronic transfer, or any other form.

6 ***(b) The secretary of state shall, upon request, provide to a political party, as***  
7 ***defined in RSA 664:2, IV, or to a political committee, as defined in RSA 664:2, III, a list of***  
8 ***undeclared voters, including the name, domicile address, mailing address, town or city,***  
9 ***voter history, and party ballot chosen during primary elections, if any, of every registered,***  
10 ***undeclared voter in the state. The secretary of state shall, upon request, provide to a***  
11 ***candidate for county, state, or federal office a list of undeclared voters, including the***  
12 ***name, domicile address, mailing address, town or city, voter history, and party ballot***  
13 ***chosen during primary elections, if any, of every registered, undeclared voter in the state or***  
14 ***in the candidate's district. The secretary of state shall charge a fee of \$25 plus shipping***  
15 ***charges for each copy of the undeclared voter list provided under this subparagraph. In***  
16 ***addition, the secretary of state shall charge and collect on behalf of and remit to the***  
17 ***supervisors of the checklist of each city and town the amount that such supervisors would***  
18 ***have charged had the undeclared voter history report of their city or town been purchased***  
19 ***from them. The secretary of state may provide lists as prescribed in this subparagraph on***  
20 ***paper, computer disk, computer tape, electronic transfer, or any other form.***

21 3 Change of Registration; Undeclared Voter. Amend RSA 654:34, II-III to read as follows:

22 II. ~~[Change of registration of a voter who has been registered as an undeclared voter.~~

23 ~~(a)~~ Any legal voter who has been registered as an undeclared voter may register as a  
24 member of the party of the voter's choice by appearing before the supervisors of the checklist for the  
25 voter's town or ward any time they meet, except as prohibited by paragraph IV, and stating to them,  
26 under oath or affirmation, if required, that the voter intends to affiliate with and generally supports  
27 the candidates of the party with which the voter offers to register, in which case the voter shall be  
28 registered as a member of such party.

29 ~~[(b) A voter may also register as a member of a party at any primary by requesting to be~~  
30 ~~registered as a member and voting the ballot of the party of the voter's choice. A voter may also~~  
31 ~~register once again as an undeclared voter after voting in a primary as a registered member of a~~  
32 ~~party by returning the card or signing the list of undeclared voters from the statewide centralized~~  
33 ~~voter registration database provided for in paragraph V. If cards are used, the voter shall return the~~  
34 ~~card to the person at the polls designated by the town or city clerk to accept the card. All such cards~~  
35 ~~and lists shall be in the possession of the supervisors of the checklist at the close of the polls on~~  
36 ~~election day.]~~

37 III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has

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1 voted in a primary may thereafter on the day of said primary change the person's party registration[  
2 unless, prior to voting in the primary, the person was registered as an undeclared voter, in which  
3 case the person may once again register as an undeclared voter, as provided in subparagraph II(b)].

4 4 Change of Party Affiliation. Amend RSA 654:34-a, III to read as follows:

5 III. No application for a change of party affiliation shall be accepted on the day of a primary  
6 election[~~except as provided in RSA 654:34, I and II~~].

7 5 Absentee Voting. Amend RSA 657:13 to read as follows:

8 657:13 Provisions for State or Presidential Primary Elections. Upon receipt of a properly  
9 executed application for an official absentee ballot for a state or presidential primary election,  
10 whether the form supplied by the secretary of state or a written statement containing the  
11 information required by RSA 657:4, I, a town or city clerk shall forthwith ascertain if the person is on  
12 the checklist of the town or city and is properly registered as to party designation. If such person is  
13 found to be on the checklist and to be properly registered or if such person is found to be on the  
14 checklist but is not registered as a member of any party, but the information supplied states he or  
15 she is applying for a ballot of a political party, [~~the person shall be registered as a member of said  
16 party; and, in either case,~~] the clerk shall send the materials provided for in RSA 657:15. If the  
17 person is not on the checklist or is registered as a member of a party different from the one whose  
18 ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An  
19 application may be transmitted by facsimile to a town or city clerk.

20 6 Election Procedure. Amend RSA 659:14 to read as follows:

21 659:14 Special Provisions for State and Presidential Primary Elections.

22 I. A person desiring to vote at a state or presidential primary election shall, at the time of  
23 announcing the person's name, also announce the name of the party to which the person belongs or  
24 whether the person is registered as an undeclared voter. If the person's party membership has been  
25 registered before, the person shall be given only the ballot of the party with which the person is  
26 registered, unless the person desires to vote the ballot of a party not having official existence at the  
27 time the person's party membership was previously registered, in which case the person may vote  
28 the ballot of such a party in the state primary election immediately following the political  
29 organization's official existence as a party, and not in any subsequent state primary election. A  
30 person may also vote the ballot of such a party in the presidential primary election only if the  
31 presidential primary election precedes the state primary election to be held in that same year.

32 II. If the rules of a party permit a person who is registered as an undeclared voter to vote in  
33 the party's primary, any person desiring to vote in that party's primary shall also announce the  
34 name of that party at the time of announcing the person's name. ***If the voter is registered as  
35 undeclared, the ballot clerk shall mark the party choice of the voter on the checklist by  
36 writing the name of the party's ballot chosen or by putting a check mark in the appropriate  
37 party affiliation box, if such box appears on the checklist.*** No person shall be permitted to

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1 vote in any more than one party primary during any primary election. *The person entering voter*  
2 *history into the centralized voter registration database shall cause the records to indicate*  
3 *when an undeclared voter has voted in a primary election and which party's primary*  
4 *ballot was chosen.*

5       ~~[H.]~~ *III.* The secretary of state shall include on the voter instruction cards required by RSA  
6 658:28 whether a party rule has been adopted which permits a person who is registered as an  
7 undeclared voter to vote in the party's primary. The party chairman shall notify the secretary of  
8 state in writing prior to the filing period for state offices whether the party has adopted such a rule.  
9 This rule shall not be changed or rescinded by a party until the results of the primary have been  
10 announced, and any change or rescission shall be mailed to the secretary of state by the party  
11 chairman.

12       7 Repeal. RSA 654:34, V, relative to undeclared primary voter change of registration card, is  
13 repealed.

14       8 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
15-0541  
01/26/15

**HB 652-FN - FISCAL NOTE**

AN ACT                    relative to undeclared voters.

**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 Judicial Branch and New Hampshire Association of Counties, who were contacted on 01/07/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.