HOUSE BILL 659-FN-LOCAL

AN ACT allowing all voters to vote by absentee ballot.

SPONSORS: Rep. Rogers, Merr 28; Sen. Feltes, Dist 15

COMMITTEE: Election Law

ANALYSIS

This bill allows all voters to vote by absentee ballot.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 659-FN-LOCAL - AS INTRODUCED

STATE OF NEW HAMPSHIRE
In the Year of Our Lord Two Thousand Fifteen

AN ACT allowing all voters to vote by absentee ballot.

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

1 Absentee Ballots. Amend RSA 656:33 to read as follows:

656:33 Official [Absence, Religious Observance, and Disability] Absentee Ballots. Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, [absence, religious observance, and disability] absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words “absentee ballot” printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

2 Absentee Voting. Amend RSA 657:1 to read as follows:

657:1 [Absence, Religious Observance, and Disability] Absentee Voting. Any person who is [absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability] qualified to vote at any state election may vote at such elections as provided in this chapter. [A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this chapter.]

3 Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

[Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability] Absentee Ballot Application:

I hereby declare that (check one):
___ I am a duly qualified voter who is currently registered to vote in this town/ward.
___ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

[I will be entitled to vote by absentee ballot because (check one):}
___ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

___ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

___ I cannot appear in public on election day because of observance of a religious commitment.

___ I am unable to vote in person due to a disability.

___ I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

___ Presidential Primary to be held on __________

(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

___ State Primary to be held on __________

(MM/DD/YYYY)

___ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

___ Republican Party

___ Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name: ____________________________

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant’s Voting Domicile (home address):

____________________________

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

____________________________

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant’s Signature: __________
The applicant must sign this form to receive an absentee ballot.

Date Signed: __________ (MM/DD/YYYY)

4 Absentee Voting Materials. Amend the section heading and introductory paragraph of RSA 657:7 and RSA 657:7, I and II to read as follows:

657:7 [Absence, Religious Observance, and Disability] Absentee Voting. Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he or she deems necessary:

   I. [Absence, religious observance, and disability] Absentee ballots as provided in RSA 656:33.

   II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

       (a) Absence from City or Town. A person voting by absentee ballot [because of absence from the city or town in which he or she is entitled to vote] shall fill out and sign the following certificate:

           I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of ______________, New Hampshire, in ward __________; [that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise absent on election day from said city or town and will be unable to vote in person] that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

           (Signature) ______________________________

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

       (b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

           I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of ______________, New Hampshire, in ward __________; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

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

5 Absentee Voting. Amend the subdivision heading preceding RSA 657:12 to read as follows:

Procedure for [Absence, Religious Observance, and Disability and Overseas] Absentee Voting

6 Absentee Voting in Town Elections. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. [Any eligible voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his or her observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this section and RSA 669:27-669:29.]

7 Effective Date. This act shall take effect 60 days after its passage.
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FISCAL IMPACT:
The Department of State, Department of Justice, and New Hampshire Municipal Association state this bill, as introduced, may increase state and local expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no impact on county expenditures or state, county, and local revenue.

The Office of Legislative Budget Assistant is awaiting information from the Judicial Branch relative to the potential fiscal impact of this bill. The Judicial Branch was contacted on 1/7/15 to provide the information.

METHODOLOGY:
The Department of State states this bill allows all voters who are qualified to vote in any state election to vote by absentee ballot. The Department states the number of voters voting by absentee ballot will increase under this legislation by an indeterminable amount. The Department indicates this bill will increase state and local expenditures by an indeterminable amount. The Department anticipates it will need to print and deliver additional absentee ballots to municipal clerks. The municipal clerks will realize additional costs for processing a larger volume of absentee ballots along with increased postage costs.

The Department of Justice states this bill will have an indeterminable fiscal impact because it does not know how many additional cases may result from this bill. The Department states that it does not currently receive funding related to elections enforcement, and expects that, in general, responding to elections-related complaints will require the assistance of a full-time investigator, 80 percent of an assistant attorney general, and 20 percent of secretarial staff time. The Department is unable to estimate the percentage of the above time that would be spent addressing complaints generated by this particular bill.

The New Hampshire Municipal Association states this bill will increase local expenditures by an indeterminable amount. The Association assumes this bill will increase the number of voters who choose to vote by absentee ballot. Municipal clerks prepare absentee ballots for municipal elections, and thus will incur additional expenses related to the preparation of such
ballots although these costs may be offset by reduced expenses associated with the preparation of polling place ballots. The Association states costs for envelopes and postage will increase. Additionally, processing more absentee ballots, both by the clerk before election day and by the moderator on election day, will involve additional labor, which may involve increased costs.

The Judicial Council and the New Hampshire Association of Counties state this bill will have no fiscal impact.