

SB 39 – AS AMENDED BY THE HOUSE

3June2015... 1303h

2015 SESSION

15-0591
03/09

SENATE BILL **39**

AN ACT relative to recounts on questions and relative to photographs of voters not presenting identification.

SPONSORS: Sen. Soucy, Dist 18; Sen. Lasky, Dist 13; Rep. Byron, Hills 20

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill requires notice to voters requesting a recount on certain local questions and public posting of notice of the time and place of the recount. This bill also eliminates the requirement that photographs taken by the moderator of voters who do not present identification be in color.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to recounts on questions and relative to photographs of voters not presenting identification.

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

1 1 Recount; Deadline. Amend RSA 40:4-c, I to read as follows:

2 I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual
3 meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at
4 said meeting on any question, affecting said town only, legally appearing on the official Australian or
5 nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not
6 earlier than 5 days nor later than 10 days after the receipt of said application. ***The clerk shall***
7 ***notify the first-named voter who applied for a recount on a question and a representative***
8 ***of other known interested parties, at least 3 days prior to the day appointed for the recount***
9 ***of ballots. Notice of the time and place of the recount shall be posted in 2 public places at***
10 ***least 24 hours prior to the recount.*** The applicants for such recount shall pay to the town clerk,
11 for the use of the town, a fee of \$10.

12 2 Obtaining a Ballot; Proof of Identity; Photograph. Amend RSA 659:13, I(c)(2) to read as
13 follows:

14 (2) If the voter executes a challenged voter affidavit, the moderator or the
15 moderator's designee shall take a photograph of the voter and immediately print and attach the
16 photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2
17 inches, or larger, and ***may*** be in color ***or in black and white***. The moderator or his or her designee
18 who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator
19 or designee shall delete the photograph from the camera ***if applicable*** in the presence of the voter.
20 If the moderator or his or her designee is unable to take the voter's photograph due to equipment
21 failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter
22 may execute a challenged voter affidavit without a photograph.

23 3 Repeal. RSA 659:13, V(b), relative to waiver of photograph requirement, is repealed.

24 4 Effective Date.

25 I. Sections 2 and 3 of this act shall take effect September 1, 2015 at 12:03 a.m.

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