

HB 1203-FN - AS AMENDED BY THE SENATE

16Mar2022... 0962h
04/28/2022 1660s

2022 SESSION

22-2024
11/10

HOUSE BILL

1203-FN

AN ACT relative to voter registration and verification of voter identity.

SPONSORS: Rep. Horrigan, Straf. 6; Rep. Berch, Ches. 1; Rep. Cohen, Hills. 28; Rep. Frost, Straf. 16; Rep. Kenney, Straf. 6; Rep. Read, Rock. 17; Rep. Spang, Straf. 6; Rep. Wall, Straf. 6

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill amends the procedures for determining voter qualifications and voter registration, and allows an authorized election official to use nonpublic information contained in the centralized voter registration database to verify a voter's identity.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to voter registration and verification of voter identity.

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

1 1 Voters; Temporary Absence. RSA 654:2 is repealed and reenacted to read as follows:

2 654:2 Temporary Absence.

3 I. A domicile for voting purposes acquired by any person in any town shall not be
4 interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his
5 or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues
6 to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact
7 and intention. A voter can have only one domicile for these purposes. No person shall be deemed to
8 have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is
9 employed in the service of the United States; nor while engaged in the navigation of the waters of
10 the United States or of the high seas; nor while a teacher in or student of any seminary of learning;
11 nor while confined in any public prison or other penal institution; nor while a patient or confined for
12 any reason in any nursing, convalescent home or hospital, old folks or old age home, or like
13 institution or private facility.

14 II.(a) A person present in New Hampshire for temporary purposes shall not gain a domicile
15 for voting purposes. A person who maintains a voting domicile where he or she came from, to which
16 he or she intends to return to as his or her voting domicile after a temporary presence in New
17 Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her
18 presence in New Hampshire.

19 (b) A person who has been present and residing in one town or ward in New Hampshire
20 for 30 or fewer days is presumed to be present for temporary purposes unless that person has the
21 intention of making the place in which the person resides his or her one place, more than any other,
22 from which he or she engages in the domestic, social, and civil activities of participating in
23 democratic self-government including voting, and has acted to carry out that intent.

24 (c) For the purposes of this chapter, temporary purposes shall include, but are not
25 limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting
26 family or friends, performing short-term work, or volunteering or working to influence voters in an
27 upcoming election.

28 2 Voter Registration; Voter Registration Form. Amend RSA 654:7 to read as follows:

29 654:7 Voter Registration; Voter Registration Form.

30 I. Any person registering to vote shall be:

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(a) At least 18 years of age on the day of the next election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12~~], and completing the form in subparagraph IV(b), unless the person is registering within 30 days before an election or at the polling place on election day. If an applicant is registering at the polling place on election day and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore be relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes].~~

IV.(a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches. ***Amendments to the voter registration form may be additional pages attached to or printed on the back of the registration form.***

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates ~~[other than those used within 30 days of an election or at the polling place on election day,]~~ which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name

Last (suffix) First Full Middle Name

2. Domicile Address

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1 Street Ward Number

2 Town or City Zip Code

3
4 3. Mailing Address if different than in 2

5 Street

6 Town or City Zip Code

7
8 4. Place and Date of Birth

9 Town or City State

10 Date_____

11
12 5. Are you a citizen of the United States? Yes ____ No ____

13 If a naturalized citizen, give name of court where and date when naturalized

14
15 6. Place last registered to vote

16 Street Ward Number

17 I am not currently registered to vote elsewhere (initial here _____), or ***I am currently***
18 ***registered to vote elsewhere and*** I request that my name be removed as a registered voter in
19 _____ (fill in your address where previously registered, street, city/town,
20 state, and zip code)

21
22 7. Name under which previously registered, if different from above

23
24 8. Party Affiliation (if any)

25
26 9. Driver's License Number _____ State

27
28 If you do not have a valid driver's license, provide the last four digits of your social security number
29 _____

30 My name is _____. I am today registering to vote in the city/town of
31 _____, New Hampshire. If a city, ward number _____.

32 I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United
33 States citizen, and I must be domiciled in this ward/town.

34 I understand that a person can claim only one state and one city/town as his or her domicile at a
35 time. A domicile is that place, to which upon temporary absence, a person has the intention of
36 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in
37 any other state or any other city/town.

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In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date Signature of Applicant

In accordance with RSA 659:34, the penalty for knowingly or purposely 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.

(c) ~~[The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates starting 30 days before each election and at the polling place on election day, which shall be in substantially the following form:~~

~~___ NEW REGISTRATION I am not registered to vote in New Hampshire~~

~~___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire~~

~~___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address~~

~~Date registration form is submitted _____~~

~~Date applicant moved to the address listed below as the voter's domicile _____~~

~~VOTER REGISTRATION FORM~~

~~FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON ELECTION DAY~~

~~(Please print or type)~~

~~1. Name~~

~~Last (suffix) First Full Middle Name~~

~~2. Domicile Address~~

~~Street Ward Number~~

~~Town or City Zip Code~~

~~3. Mailing Address if different than in 2~~

~~Street~~

~~Town or City Zip Code~~

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1 4. Place and Date of Birth

2 ~~Town or City State~~

3 Date _____

4 5. Are you a citizen of the United States? Yes _____ No _____

5 If a naturalized citizen, give name of court where and date when naturalized

6 6. Place last registered to vote

7 ~~Street Ward Number~~

8 I am not currently registered to vote elsewhere (initial here _____), or I request that my name

9 be removed as a registered voter in _____ (fill in your address where

10 previously registered, street, city/town, state, and zip code)

11 7. Name under which previously registered, if different from above

12 8. Party Affiliation (if any)

13 9. Driver's License Number _____ State

14 If you do not have a valid driver's license, provide the last four digits of your social security number

15 _____

16 My name is _____. I am today registering to vote in the city/town of

17 _____, New Hampshire. If a city, ward number _____.

18 I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United

19 States citizen, and I must be domiciled in this ward/town.

20 I understand that a person can claim only one state and one city/town as his or her domicile at a

21 time. A domicile is that place, to which upon temporary absence, a person has the intention of

22 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in

23 any other state or any other city/town.

24 In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or

25 federal elections in another state.

26 If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a

27 supervisor of the checklist is available to address my questions or concerns.

28 I understand that to make the address I have entered above my domicile for voting I must have an

29 intent to make this the one place from which I participate in democratic self-government and must

30 have acted to carry out that intent.

31 I understand that if I have documentary evidence of my intent to be domiciled at this address when

32 registering to vote, I must either present it at the time of registration or I must place my initials

33 next to the following paragraph and mail a copy or present the document at the town or city clerk's

34 office within 10 days following the election (30 days in towns where the clerk's office is open fewer

35 than 20 hours weekly).

36 _____ By placing my initials next to this paragraph, I am acknowledging that I have not presented

37 evidence of actions carrying out my intent to be domiciled at this address, that I understand that I

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1 must mail or personally present to the clerk's office evidence of actions carrying out my intent within
2 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20
3 hours weekly), and that I have received the document produced by the secretary of state that
4 describes the items that may be used as evidence of a verifiable action that establishes domicile.

5 Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to
6 your domicile address by the secretary of state to verify the validity of your claim to a voting domicile
7 at this address.

8 I understand that if I do not have any documentary evidence of my intent to be domiciled at this
9 address, I must place my initials next to the following paragraph:

10 _____ By placing my initials next to this paragraph, I am acknowledging that I am aware of no
11 documentary evidence of actions carrying out my intent to be domiciled at this address, that I will
12 not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be
13 sending mail to the address on this form or taking other actions to verify my domicile at this
14 address.

15 I acknowledge that I have read and understand the above qualifications for voting and do hereby
16 swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-
17 stated city/town, and, if registering on election day, that I have not voted and will not vote at any
18 other polling place this election.

19 ~~Date Signature of Applicant~~

20 ~~If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such~~
21 ~~information is true and accurate to the best of my knowledge.~~

22 ~~This form was executed for purposes of proving (applicant shall circle yes or no and initial each~~
23 ~~item):~~

24 ~~Identity yes/no _____~~

25 ~~(initials)~~

26 ~~Citizenship yes/no _____~~

27 ~~(initials)~~

28 ~~Age yes/no _____~~

29 ~~(initials)~~

30 ~~Applicant Election Official~~

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

32 ~~In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information~~
33 ~~when registering to vote or voting is a class A misdemeanor with a maximum sentence of~~
34 ~~imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to~~
35 ~~vote or voting is subject to a civil penalty not to exceed \$5,000. In accordance with RSA 659:34-a~~
36 ~~voting in more than one state in the same election is a class B felony with a maximum sentence of~~
37 ~~imprisonment not to exceed 7 years and a fine not to exceed \$4,000.~~

~~V. The secretary of state shall prepare and distribute an addendum to the voter registration form used under subparagraph IV(e) to be distributed to those registrants who register within 30 days before the election or on election day and who do not provide proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of domicile" document shall provide notice of the requirements that registrants must furnish documentary evidence of domicile and shall be in substantially the following form:~~

~~Verifiable Action of Domicile~~

~~As a newly registered voter, you have received this document because you did not provide proof of domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have taken a verifiable act to establish domicile.~~

~~The following checklist shall be used as a guide for what you may use as evidence and shall be submitted to the town or city clerk along with documentation that you are required to provide. Only one item on the list is required to demonstrate a verifiable act.~~

~~To establish that you have engaged in a verifiable act establishing domicile, provide evidence that you have done at least one of the following:~~

~~___ established residency, as set forth in RSA 654:1, I a, at an institution of learning at the address on the voter registration form~~

~~___ rented or leased an abode, for a period of more than 30 days, to include time directly prior to an election day at the address listed on the voter registration form~~

~~___ purchased an abode at the address listed on the voter registration form~~

~~___ obtained a New Hampshire resident motor vehicle registration, driver's license, or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the address on the voter registration form~~

~~___ enrolled a dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of the address where the registrant resides, as listed on the voter registration form~~

~~Identified the address on the voter registration form as your physical residence address on:~~

~~___ state or federal tax forms~~

~~___ other government issued forms or identification. Describe form of identification: _____~~

~~___ provided the address on the voter registration form to the United States Post Office as your permanent address, provided it is not a postal service or commercial post office box, where mail is delivered to your home. This can be by listing the address on the voter registration form as your new address on a Postal Service permanent change of address form and providing a copy of the receipt, or an online emailed receipt~~

~~___ obtained public utility services (electricity, cable, gas, water, etc.) for an indefinite period at the address on the voter registration form. List services obtained: _____~~

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~~___ arranged for a homeless shelter or similar service provider to receive United States mail on your behalf. Enter name of the shelter or provider: _____~~

~~___ describe what other verifiable action or actions you have taken to make the address listed on your voter registration form your one voting domicile: _____~~

~~If you have no other proof of a verifiable act establishing domicile, and your domicile is at an abode rented, leased, or purchased by another and your name is not listed on the rental agreement, lease, or deed, you are required to provide a written statement, signed under penalty of voting fraud if false information is provided, from a person who is listed on such document, or other reasonable proof of ownership or control of the property, attesting that you reside at that address, signed by that person or his or her agent who manages the property.~~

~~This verifiable action of domicile form, along with your written statement or other documentation proving a verifiable act, shall be delivered to the town or city clerk, by mail or in person, with 10 days, or within 30 days if the clerk's office is open fewer than 20 hours weekly.~~

~~Name~~

~~Last (suffix) First Full Middle Name~~

~~Domicile Address~~

~~Street Ward Number~~

~~Town or City Zip Code~~

~~Date Signature of Applicant~~

~~This document was received by the clerk, who examined and returned it to the applicant after making a copy of the evidence of verifiable action, said copy to be attached to the verifiable action of domicile form.~~

~~Date Signature of Clerk~~

~~The clerk shall forward the completed form and attachment or attachments to the supervisors of the checklist as soon as possible, but not later than their next meeting. The supervisors of the checklist shall attach the form and attachments to the voter registration form.]~~

The secretary of state shall prescribe an amendment to the voter registration based on the following:

(1) The secretary state may collect additional voluntary information to assist in the location of the voter after the election, if necessary. Such additional information may include, but is not limited to: phone numbers, email addresses, employer information, social service agency information, vehicle license plate number, and state of registration, social media account information, or a relative or friend's name and address.

(2) Document voter verification by an authorized election official or by a registered voter whose name was on the checklist at the opening of the polls and has valid identification documentation.

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3 General Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:

654:12 Determining Qualifications of Applicant.

I. ~~[When determining the qualifications of an applicant]~~ ***After the applicant has proven his or her identity as required in paragraph III of this section,*** the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, ~~[a sworn statement on the voter registration form used starting 30 days before an election and on election day,]~~ or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

If I am using this form for purposes of identity, I acknowledge my photograph shall be taken and that photo will be preserved in my voter record.

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

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of

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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.

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

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

☐ Identity

☐ Citizenship

☐ Age

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

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a~~[-or a sworn statement on the voter registration form used starting 30 days before an election and on election day].~~

(c) DOMICILE.

~~[(1) Registering more than 30 days in advance of an election.]~~

~~[(A)]~~ **(1)** A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration ~~[prior to election day]:~~ ~~[(i)]~~ **(A)** New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; ~~[(ii)]~~ **(B)** New Hampshire resident vehicle registration; ~~[(iii)]~~ **(C)** a picture identification issued by the United States government that contains a current address; ~~[(iv)]~~ **(D)** government issued check, *pay stub*, benefit statement, or tax document. ~~[A person who possesses such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.]~~

~~[(B)]~~ A person who attests under penalty of voter fraud that he or she does not possess any of the qualified documents listed in subparagraph (A) may present any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day in the town or ward in which he or she desires to vote. Reasonable]

(2) *Additional documentation for the purpose of establishing a voter's domicile* may include, but is not limited to, evidence of:

[~~(i)~~] (A) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at that place;

[~~(ii)~~] (B) Renting or leasing an abode [~~at that place for a period of more than 30 days, to include time directly prior to an election day~~];

[~~(iii)~~] (C) Purchasing an abode at that place;

[~~(iv)~~] (D) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;

[~~(v)~~] (E) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;

[~~(vi)~~] (F) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;

[~~(vii)~~] (G) Obtaining public utility services for an indefinite period at that place; [~~or~~]

[~~(viii)~~] (H) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.

An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person [~~under penalty of voting fraud if false information is provided~~];

(I) *A qualified voter affidavit, or any other reasonable documentation which indicates the applicant meets the domicile requirements.*

~~[(2) Registering within 30 days before an election and on election day.~~

~~(A) When registering within 30 days before an election or on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote, he or she may execute a sworn statement on the voter registration form used starting 30 days before an election and on election day and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this subparagraph are exempt from the public disclosure~~

1 required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a
2 document presented in person and forward verification to the supervisors of the checklist. An
3 applicant whose voter registration is approved based on an acknowledgment of a domicile evidence
4 obligation who knowingly or purposely fails to provide a document to the city or town clerk as
5 required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA
6 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any
7 such person who fails to provide proof of domicile by the deadline by sending the person the notice
8 required by RSA 654:44.

9 (B) A person registering within 30 days before an election or on election day who
10 does not possess reasonable documentation of establishing domicile and has taken no verifiable
11 action to carry out his or her intent to establish domicile at the address claimed on the voter
12 registration application may nonetheless register to vote by initialing the paragraph on the
13 registration form acknowledging that domicile may be verified. The supervisors of the checklist
14 shall, as soon as practical following an election at which the person initials such paragraph to
15 register and vote, attempt to verify that the person was domiciled at the address claimed on election
16 day by means including, but not limited to:

17 (i) Examining public records held by the town or city clerk, municipal
18 assessing and planning offices, tax collector, or other municipal office that may house public records
19 containing domicile confirmation; or

20 (ii) Requesting 2 or more municipal officers or their agents or state election
21 officers or their agents to visit the address and verify that the individual was domiciled there on
22 election day. In unincorporated places that have not organized for the purposes of conducting
23 elections, county officers may be asked to perform this function; or

24 (iii) Referring the registrant's information to the secretary of state, who shall
25 cause such further investigation as is warranted.

26 (C) Any case where supervisors are unable to verify the applicant's domicile or
27 where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the
28 attorney general, who shall cause such further investigation as is warranted.]

29 II. The supervisors may refuse to add the name of an applicant to the checklist if he or she
30 fails to present the evidence or an affidavit as required by this section. Without limiting the
31 acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

32 (a) Any one of the following documents is presumptive evidence that the individual
33 seeking to vote meets the domicile requirement, provided the document is currently valid, was
34 issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

35 (1) New Hampshire driver's license.

36 (2) New Hampshire vehicle registration.

(3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a qualified voter, domicile, or election day affidavit ~~[or a sworn statement on the voter registration form used starting 30 days before an election and on election day]~~:

(1) Photo driver's license issued by any state or the federal government.

(2) United States passport, armed services identification, or other photo identification issued by the United States government.

(3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

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

III-a. *The supervisors of the checklist and the town or city clerks may use the nonpublic information contained in the centralized voter registration database and other records, that they have access to, held by the state of New Hampshire, the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office records that contain records that confirm the identity, citizenship, age, or domicile information provided by the applicant.*

III-b. The supervisors of the checklist, town or city clerk, or election day official shall take a photograph of any person who registers using a qualified voter affidavit or sworn statement on the general election day registration form. Such photograph shall be retained in the same manner as qualified voter affidavits pursuant to RSA 33-A:3-a, CXLI(e). The photograph may be used for purposes of RSA 659:13, I(c).

IV. Any person who is applying for registration as a voter and who is currently *or was previously* registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently *or was previously* registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. ~~[The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a sworn statement on the voter registration form used starting 30 days before an election and on election day.]~~

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

to respond to the letter of identity verification by an electronic communication such as an email message or a text message.

(c) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office and those persons who were mailed letters under subparagraph (b) and have not confirmed their registration. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the voter registration form. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

~~(d) [Within 90 days of each election, the secretary of state shall cause a list of persons executing sworn statements on the voter registration form used starting 30 days before an election and on election day since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.]~~

~~(e) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose eligibility to vote could not be confirmed. The attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.~~

(f) Upon completion of any investigation authorized under RSA 654:12, the secretary of state and the attorney general shall forward a report summarizing the results of the inquiry and investigation, respectively, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

4 Voting Procedures; Obtaining a Ballot. RSA 659:13, I(c) is repealed and reenacted to read as follows:

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall direct the voter to see the supervisor of the checklist.

(2) The supervisor of the checklist shall review the voter's qualifications and determine if the voter's identity can be verified. This review may include verification by the voter of nonpublic data contained in the centralized voter registration database or verification by a moderator or supervisor of the checklist, or the clerk of a town, ward, or city, or by a registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation. Other than an authorized election official, no registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation shall verify the identity of more than 2 voters in each election. Verification of identity shall be documented on a form provided by the secretary of state.

(3) If the supervisor of the checklist cannot verify the voter's identity, the supervisor of the checklist shall inform the voter that he or she may execute a challenged voter affidavit. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a challenged voter affidavit, the ballot clerk shall mark the checklist in accordance with uniform procedures developed by the secretary of state.

(4) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a challenged voter affidavit.

5 Voting Procedure; Obtaining a Ballot. Amend RSA 659:13, II(b) to read as follows:

(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the clerk of a town, ward, or city, ***or by a registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation***, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no verification was made. ***Other than an authorized election official, no registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation shall verify the identity of more than 2 voters in each election.***

6 Repeals. The following are repealed:

I. RSA 33-A:3-a, CXLI(f), relative to retention of municipal records of verifiable action of domicile.

HB 1203-FN - AS AMENDED BY THE SENATE

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- 1 II. RSA 659:34, I(h) - (i), relative to certain penalties for voter fraud.
- 2 III. 2016, 175:2, relative to Interstate Voter Registration Crosscheck Program.
- 3 7 Effective Date. This act shall take effect 60 days after its passage.

LBA
22-2024
Amended 5/9/22

HB 1203-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2022-1882s)

AN ACT relative to voter registration and verification of voter identity.

FISCAL IMPACT: ☐ State ☐ County ☐ Local ☒ None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association