

HB 1543-FN - AS INTRODUCED

2022 SESSION

22-2768

11/04

HOUSE BILL ***1543-FN***

AN ACT relative to the voter registration process.

SPONSORS: Rep. G. Sanborn, Graf. 6; Rep. Greeson, Graf. 16

COMMITTEE: Election Law

ANALYSIS

This bill modifies the voter registration forms and establishes a provisional ballot system.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the voter registration process.

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

1 1 General Voter Registration; Form. RSA 654:7, III-V are repealed and reenacted to read as
2 follows:

3 III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12,
4 he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and
5 completing the form in subparagraph IV(b). An individual applying for registration as a voter 30 or
6 fewer days before an election or at the polling place on election day shall use the registration form
7 required by RSA 654:7. The registration form shall require the voter to identify and provide
8 evidence of a verifiable action he or she has taken carrying out his or her intent to make the place
9 claimed on the voter registration form his or her domicile/residence.

10 IV.(a) Standard registration application forms shall be used throughout the state. The
11 registration forms shall be no larger than 8 1/2 inches by 11 inches.

12 (b) The secretary of state shall prescribe the form of the voter registration to be used for
13 voter registrations, transfer, or updates, which shall be in substantially the following form:

14 1. Citizenship Information: If you are not a citizen of the United States: STOP. You are not
15 eligible to vote.

16 1.1 US Citizens:

17 1.1 Last Name:_____

18 1.2 First Name:_____

19 1.3 Full Middle Name:_____

20 1.4 Town or City, State and Zip:_____

21 1.5 Birth Date:_____

22
23 2. Naturalized Citizens:

24 2.1 Name and address of court where naturalized:

25 _____

26 2.2 Naturalized citizen date (mm/dd/yyyy): _____

27
28 3. Name Change:

29 I have legally changed my name

30 From:

31 3.1 Last Name:_____

HB 1543-FN - AS INTRODUCED
- Page 2 -

1 3.2 First Name:_____

2 3.3 Full Middle Name:_____

3

4 To:

5 3.4 Last Name:_____

6 3.5 First Name:_____

7 3.6 Full Middle Name:_____

8 3.7 Legal Reference:_____

9

10 4. New Registration:

11 I am not currently registered to vote in New Hampshire and am registering now as follows:

12 4.1 Last Name:_____

13 4.2 First Name:_____

14 4.3 Full Middle Name:_____

15 Current domicile/residence address (you may be asked to leave a photocopy of proof of
16 domicile/residence document attached to this form):

17 4.4 Street Number and Name:_____

18 4.5 City or Town Name:_____

19 4.6 Ward Number, if applicable:_____

20 4.7 Zip Code:_____

21 Actions in New Hampshire that reveal your intent to make a place in New Hampshire you
22 domicile/residence include, but are not limited to, purchasing or leasing a principal (i.e., primary)
23 house or apartment, obtaining a resident vehicle registration, placing dependent children in a
24 publicly funded school, registering to vote, and paying taxes applicable only to residents. See, e.g.,
25 RSA 21:6, RSA 21:6-a, RSA 259:23, and RSA 654:1.

26 Mailing Address if different than Domicile/Residence Address:

27 4.8 Street Number and Name:_____

28 4.9 City or Town Name:_____

29 4.10 Zip Code:_____

30

31 5. Domicile/Residence Transfer within New Hampshire:

32 I am currently registered to vote in New Hampshire and have moved my previous
33 domicile/residence to a new town or ward in New Hampshire. (Initials:_____)

34

35 Previous Domicile/Residence Address:

36 5.1 Street Number and Name:_____

37 5.2 City or Town Name:_____

HB 1543-FN - AS INTRODUCED
- Page 3 -

1 5.3 Ward Number, if applicable:_____

2 5.4 Zip Code:_____

3 I authorize that my name be removed from the registered voter registration list in the above
4 immediate past domicile/residence city, ward, or town. (Initials: _____)

5

6 Current New Hampshire Domicile/Residence Address (you may be asked to leave a
7 photocopy of proof of domicile/residence document attached to this form):

8 5.5 Street Number and Name:_____

9 5.6 City or Town Name:_____

10 5.7 Ward Number, if applicable:_____

11 5.8 Zip Code:_____

12

13 Mailing Address if Different Than Domicile/Residence Address:

14 5.9 Street Number and Name:_____

15 5.10 City or Town Name:_____

16 5.11 Zip Code:_____

17 I authorize my address to be changed if the move is within my existing domicile/residence
18 city, ward, or town. (Initials: _____)

19

20 6. Address Update/Change of Address in Same Town/Ward:

21 I am currently registered to vote in this town/ward and have changed my domicile/residence
22 address:

23 From:

24 6.1 Street Number and Name:_____

25 6.2 City or Town Name:_____

26 6.3 Ward Number, if applicable:_____

27 6.4 Zip Code:_____

28 6.5 I authorize that my name be removed from the registered voter registration list in the
29 above immediate past domicile/residence city, ward, or town or authorize my address be changed if
30 my move is within existing domicile/residence city, ward, or town. (Initials: _____)

31

32 To (you may be asked to leave a photocopy of proof of domicile/residence document attached
33 to this form):

34 6.6 Street Number and Name:_____

35 6.7 City or Town Name:_____

36 6.8 Ward Number, if applicable:_____

37 6.9 Zip Code:_____

HB 1543-FN - AS INTRODUCED
- Page 4 -

Mailing Address if Different than Domicile/Residence Address:

6.10 Last Name:_____

6.11 First Name:_____

6.12 Full Middle Name:_____

6.13 Street Number and Name:_____

6.14 City or Town Name:_____

6.15 Zip Code:_____

7. Applicant Authorizations:

7.1 Party Affiliation OR Unaffiliated:_____

7.2 Driver's License Number:_____

Driver's License State:_____

(You may be asked to leave a photocopy of your driver's license and/or other form of photo ID attached to this form)

Driver's License Expiration Date (mm/dd/yyyy):_____

A person who establishes a domicile/residence in New Hampshire and drives in New Hampshire must obtain a New Hampshire driver's license within 60 days of establishing his or her domicile/residence. See, e.g., RSA 21:6, RSA 21:6-a, RSA 263:1, and RSA 263:35.

The town clerk shall follow up with the DMV to ensure applicant has acquired a New Hampshire driver's license after 60 days.

Town Clerk Signature_____Date_____

A person who establishes a domicile/residence in New Hampshire and does not drive in New Hampshire is not required to obtain a New Hampshire driver's license. See, e.g., RSA 259:24, RSA 259:25, RSA 263:1, and RSA 263:35.

If you establish domicile/residence in New Hampshire, and hold a driver's license from another state, but do not drive in New Hampshire, you do not have to get a New Hampshire driver's license.

7.3 If you do not have a valid driver's license, provide the last four digits of your social security number: _____ (Initials:_____)

7.4 I am not currently registered to vote in any other place and am today registering to vote in the city/town of: _____, New Hampshire.

7.5 Ward Number: _____

7.6 Last Name:_____

HB 1543-FN - AS INTRODUCED
- Page 5 -

7.7 First Name:_____

7.8 Full Middle Name:_____

7.9 I understand that to vote in this city/ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled/resident in this city/ward/town. I understand that a person can claim only one state and one city/ward/town as his or her domicile/residence at a time. By registering or voting today, I am acknowledging that I am not domiciled/resident, or not voting, in any other state or any other city/town. (Initials:_____)

7.10 In declaring New Hampshire as my domicile/residence, I realize that I am not permitted to vote in the state or federal elections in another state. (Initials:_____)

7.11 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 concerns. (Initials:_____)

7.12 I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voter fraud, that I am qualified to vote in the above-state city/ward/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election. (Initials:_____)

7.13 If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such information is true and accurate to the best of my knowledge. This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):

7.14 Identity: yes/no Initials (_____)

7.15 Citizenship: yes/no Initials (_____)

7.16 Age: yes/no Initials(_____)

7.17 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 fine not exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

7.18 Applicant Signature_____

7.19 Date (mm/dd/yyyy)_____

8. Vehicle Registrations Reference: New Hampshire Division of Motor Vehicles.

8.1 Once a person has established residency in New Hampshire, he or she has a maximum of 60 days to register his or her vehicle(s) and obtain a New Hampshire driver's license.

Registering a vehicle in New Hampshire is a two-part process. With the exception of mopeds, all motor vehicles must bring their registration process at the town or city clerk in the town or city in which they reside. The second part of the process is the state transaction; however, the town or city clerk may be a municipal agent of the state and may be able to complete the state transaction part of the registration process for an additional fee.

HB 1543-FN - AS INTRODUCED
- Page 6 -

1 Please contact your town or city clerk or tax collector directly to find out if your town or
2 city allows online registrations or registrations through the mail.

3 8.2 Does applicant own any motor vehicles subject to New Hampshire vehicle
4 registration requirements? See New Hampshire DMV for regulations.

5 YES _____ Initials (_____)

6 NO _____ Initials (_____)

7 If yes, there is a maximum of 60 days to register the vehicle.

8 8.3 Town Clerk

9 Ensures follow up with applicant to verify NH registration has been completed or
10 applicant no longer owns or operates vehicle(s).

11 Town Clerk initials (_____)

12 8.4 If errors or omissions exist in responses to this form the Town Clerk shall notify the
13 originator prior to election day.

14
15 9 Election Official Signature: _____

16
17 10 Notary Public/Justice of the Peace/Official Signature:

18 10.1 _____ Date _____

19 2 Voter Eligibility; Reference Change. Amend the introduction to RSA 654:2, II(d) to read as
20 follows:

21 (d) For the purposes of voter registration under RSA 654:7, ~~IV(e),~~ an applicant shall
22 demonstrate an intent to make a place his or her domicile/**residence** by providing documentation
23 showing that the applicant has a domicile/**residence** at the address provided on the voter
24 registration form. Such documentation may include, but is not limited to:

25 3 Voter Eligibility; Registration. Amend RSA 654:2, III to read as follows:

26 III. An individual applying for registration as a voter 30 or fewer days before an election **or**
27 **at the polling place on election day** shall use the ~~[election day]~~ registration form required by RSA
28 654:7~~IV(e) which shall require the applicant to provide the date he or she established his or her~~
29 ~~voting domicile in New Hampshire]~~. The registration form shall require the voter to identify and
30 provide evidence of a verifiable action he or she has taken carrying out his or her intent to make the
31 place claimed on the voter registration form his or her domicile/**residence**.

32 4 New Subdivision; Provisional Ballots. Amend RSA 656 by inserting after section 38 the
33 following new subdivision:

34 Provisional Ballots

35 656:38-a Provisional Ballots and Envelopes. For state general elections, state primary elections,
36 and presidential primary elections, the secretary of state shall prepare sufficient amount of:

HB 1543-FN - AS INTRODUCED
- Page 7 -

I. Provisional ballots, to be in as nearly as practicable in the same form as the state general election ballot, except that such ballots shall be specially marked to easily identify such ballots as provisional. The secretary of state, in determining how to mark such ballots, shall keep the marking as simple as possible.

II. Provisional ballot envelopes of a size sufficient to hold a provisional ballot without folding such ballot. Provisional ballot envelopes shall be able to be sealed by the voter, and shall contain a space on the exterior of the envelope on which the voter shall print his or her name and his or her domicile/residence address. If the name or address is missing from the outside of the envelope the ballot is invalid.

5 New Paragraph; Elections; Arrangement of Polling Place; Provisional Voting. Amend RSA 658:9 by inserting after paragraph VII the following new paragraph:

VIII. In addition to the voting booths described in paragraphs II-VI, each polling place shall have at least one voting booth which is to be used solely for those voters whose registrations have not been validated at the time of the election and who must therefore cast a provisional ballot.

6 Voting Procedure; Who May Vote. Amend RSA 659:12, II to read as follows:

II. No person whose name is not upon the checklist shall be allowed to vote, unless, in the opinion of the supervisors of the checklist, it clearly appears that the name of a qualified voter has been omitted from the checklist by clerical error or mistake or the person registers to vote at the polling place, ***in which case such person shall be permitted to cast a provisional ballot in accordance with RSA 659:12-a.***

7 New Section; Voting Procedure; Obtaining a Provisional Ballot. Amend RSA 659 by inserting after section 12 the following new section:

659:12-a Obtaining a Provisional Ballot.

I. A person who has not previously had his or her registration approved, or who wishes to register on election day and has completed the registration form required pursuant to RSA 654:7, or whose name does not appear on the checklist and has completed the registration form required pursuant to RSA 654:7, shall, before being admitted to the enclosed space within the guardrail, be asked to present proof of identity in compliance with RSA 659:13, II.

II. If such a voter presents such proof of identity to the ballot clerk, the ballot clerk shall give the voter one of each provisional ballot to be voted on in that election which shall not be folded. The ballot clerk shall cause electronic scans of such identification to be retained with the voter's registration form.

III. If such a voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a challenged voter affidavit in accordance with RSA 659:13. If the voter executes a challenged voter affidavit, the ballot clerk shall retain copies of such affidavit and cause them to be filed with the voter's registration.

HB 1543-FN - AS INTRODUCED
- Page 8 -

1 IV. Such a voter shall then be allowed to enter the space enclosed by the guardrail to mark
2 and cast his or her provisional ballot.

3 8 New Section; Election Procedure; Conduct of Voting; Special Provisions for Provisional Voters.
4 Amend RSA 659 by inserting after section 26-a the following new section:

5 659:26-b Special Provisions for Provisional Voting. The provisions of RSA 659:14 through RSA
6 659:26-a shall apply to voters who vote with a provisional ballot pursuant to RSA 659:12-a, except
7 that such voters shall:

8 I. After marking the ballot, shall place the marked ballot into the provisional ballot envelope
9 and seal such envelope. Such provisional voters shall print their names and domicile/residence in
10 the space provided on the outside of the envelope.

11 II. Provide the sealed provisional envelope to the ballot clerks, who shall ensure the
12 envelope is placed with the voters' registration forms in a secured storage separate from non-
13 provisionally cast ballots.

14 9 New Subdivision; Special Provisions for Counting Provisional Ballots. Amend RSA 659 by
15 inserting after section 69 the following new subdivision:

Special Provisions for Counting Provisional Ballots

16 659:69-a Special Provisions for Counting Provisional Ballots.

17 I. Upon close of the polls, the town or city clerk shall cause all registrations and associated
18 documentation accompanying provisionally cast ballots to be reviewed for completeness and
19 accuracy.
20

21 II. If the town or city clerk determines such registration to be complete and accurate, he or
22 she shall sign the registration form and place the entire package, consisting of the registration form,
23 accompanying documentation, and sealed provisional ballot, into a secure container marked
24 "Approved Provisional Ballots."

25 III. If the town or city clerk determines that such registration is not complete or is
26 inaccurate, he or she shall stamp the registration form as "non-approved provisional ballot" and
27 shall place such ballot into a secure container marked "Non-Approved Provisional Ballots."

28 IV. The container holding all unapproved provisional ballots and related materials shall be
29 retained and controlled by the town or city clerk.

30 V. If the margin of victory in any election or question is large enough to prevent a recount
31 even if all provisional ballots cast were counted, the counting of approved provisional ballots may be
32 completed within 30 days of the election, provided that if counting of provisional ballots extends
33 beyond the deadline for creating and submitting an election return pursuant to RSA 659:73, the
34 moderator shall submit an amended return after the provisional ballots are counted.

35 VI. If the margin of victory in any election or question is not large enough to prevent a
36 recount if all provisional ballots cast were counted, the counting of approved provisional ballots shall
37 be completed within 24 hours.

1 10 Effective Date. This act shall take effect January 1, 2023.

**HB 1543-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the voter registration process.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This legislation establishes a new voter registration form to be used by all persons registering to vote in New Hampshire. It also requires that any person who wishes to vote after registering at a polling place on election day must do so by casting a provisional ballot and establishes requirements for processing provisional ballots

The Department of State indicates the fiscal impact of this bill will be an indeterminable increase to State General Fund expenditures. The Department states they will need to design and print provisional ballots as well as have instructions on how to vote using a provisional ballot. The Department also indicates extensive training of local election officials and voter education will be necessary.

The New Hampshire Municipal Association (NHMA) states the fiscal impact of this bill would be an indeterminable increase in local expenditures. The NHMA notes there would be significant additional work by elected officials including new voter verification on the new longer voter form, follow up requirements to ensure applicants have obtained a New Hampshire driver's license, electronic scanning of identification from provisional ballot voters, a review of all election-day registration and associated documents at the close of polls and lastly, a requirement that each polling place have additional voting booths to be used solely by voters

who are casting provisional ballots. The NHMA states the amount of increased expenditures will vary depending on the municipality and the election.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association