

SB 318-FN – AS AMENDED BY THE SENATE

03/21/12 1132s
03/21/12 1301s

2012 SESSION

12-2983
03/04

SENATE BILL ***318-FN***

AN ACT relative to voter registration.

SPONSORS: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. De Blois,
Dist 18; Sen. Groen, Dist 6; Sen. Lambert, Dist 13; Sen. Rausch, Dist 19;
Sen. White, Dist 9

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill modifies forms and procedures for voter registration.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to eligibility to vote and voter registration.

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

1 1 Voter, Office Holder; Claim of Domicile. Amend RSA 654:1, I to read as follows:

2 I. Every inhabitant of the state, having a single established domicile for voting purposes,
3 being a citizen of the United States, of the age provided for in Article 11 of Part First of the
4 Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town,
5 ward, or unincorporated place in which he or she is domiciled. An inhabitant’s domicile for voting
6 purposes is that one place where a person, more than any other place, has established a physical
7 presence and manifests an intent to maintain a single continuous presence for domestic, social, and
8 civil purposes relevant to participating in democratic self-government. A person has the right to
9 change domicile at any time, however a mere intention to change domicile in the future does not, of
10 itself, terminate an established domicile before the person actually moves. [~~A person’s claim of
11 domicile for voting purposes shall not be conclusive of the person’s residence for any other legal
12 purpose.~~]

13 2 Voter Registration. Amend RSA 654:7 to read as follows:

14 654:7 ***Voter Registration***; Voter Registration Form.

15 ***I. Any person registering to vote shall be:***

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

17 (b) ***A United States citizen; and***

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

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

22 ***III. If an applicant is unable to provide the proof of qualifications as required in
23 RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to
24 RSA 654:12, and completing the form in paragraph IV.***

25 ***IV.*** A standard registration application form shall be used throughout the state. The
26 registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall
27 prescribe the form of the voter registration form, which shall be in substantially the following form:

28 Date _____

29 VOTER REGISTRATION FORM

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(Please print or type)

1. Name _____

Last (suffix) First Full Middle Name

2. Address _____

Street Ward Number

Town or City Zip Code

3. Mailing Address if different than in 2 _____

Street Ward Number

Town or City Zip Code

4. Place and Date of Birth _____

Town or City State

Date _____

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

6. Place last registered to vote _____

Street Ward Number

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

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

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

____ _

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

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

~~[I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town.]~~

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

In declaring New Hampshire as my domicile, I am subject to the laws of the State of

1 *New Hampshire which apply to all residents, including laws requiring me to register my*
2 *motor vehicles and apply for a New Hampshire's driver's license within 60 days of*
3 *becoming a resident.*

4 *In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits*
5 *or rights, including the right to vote in another state.*

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

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

12 _____

13 Date Signature

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

18 3 Qualified Voter Affidavit. Amend RSA 654:12, I(a) to read as follows:

19 (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall
20 accept from the applicant any one of the following as proof of citizenship: the applicant's birth
21 certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter
22 affidavit, or any other reasonable documentation which indicates the applicant is a United States
23 citizen. The qualified voter affidavit shall be in the following form, and shall be retained in
24 accordance with RSA 33-A:3-a:

25 Date: _____

26 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

27 Name: _____

28 Name at birth if different: _____

29 Place of birth: _____

30 Date of birth: _____

31 Date and Place of Naturalization: _____

32 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I ***am not in***
33 ***possession of documents necessary to prove my identity, citizenship, and age and that I*** am
34 the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or
35 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
36 the next election, and that to the best of my knowledge and belief the information above is true and
37 correct.

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1 _____

2 (Signature of applicant)

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

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

12 _____

13 Notary Public/Justice of the Peace/

14 Official Authorized by RSA 659:30

15 4 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

16 (c) DOMICILE. Any reasonable documentation which indicates that the applicant has a
17 domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in
18 which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or
19 her possession at the place and time of voter registration, an affidavit in the following form, which
20 shall be retained in accordance with RSA 33-A:3-a:

21 **DOMICILE AFFIDAVIT**

22 Date: _____

23 Name: _____

24 Current Domicile Address: _____

25 Street Ward Number

26 _____

27 Town or City Zip Code

28 Date when current domicile was established: Month: ____ Year: ____

29 Place and date of birth: _____

30 Address of last previous domicile: _____

31 Street Ward Number

32 _____

33 Town or City Zip Code

34 I hereby swear and affirm, under the penalties for voting fraud set forth below, that ***I am not in***
35 ***possession of necessary documents to prove my domicile and that*** my established domicile is at
36 the current domicile address I have entered above. I understand that I can claim only one city/town
37 as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of

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1 the year, or to which I intend to return after a temporary absence. By registering or voting today, I
2 acknowledge that I am not registering to vote or voting in any other city/town, and that to the best of
3 my knowledge and belief the information above is true and correct.

4 _____
5 (Signature of applicant)

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

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

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

17 5 Voter Records. Amend RSA 654:12, V(a) to read as follows:

18 V.(a) The election official approving the application for registration as voter of a person who
19 does not present an approved form of photo identification as proof of identity when registering, shall
20 mark the voter registration form to indicate that no photo identification was presented and shall
21 inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or
22 she will receive a letter of identity verification. The person entering the voter information into the
23 centralized voter registration database shall determine if the person is listed in the system as having
24 been previously registered in the town or ward reported by the applicant on the voter registration
25 form. If the person is a new registrant who has not been previously registered anywhere in New
26 Hampshire or if the centralized voter registration database does not confirm a previous registration
27 claimed on the voter registration form, the election official shall cause the record created in the
28 centralized voter registration database to indicate that the person is a new applicant in New
29 Hampshire and that no photo identification was presented. When municipalities enter information
30 on people who register on election day into the centralized voter registration database, to the extent
31 practical applicants who are registering for the first time in New Hampshire and who also register
32 without presenting an approved photo identification shall be entered first. ***The person entering***
33 ***the voter information of election day residents into the centralized voter registration***
34 ***database shall cause the records to indicate if the voter executed a domicile affidavit.***

35 6 New Subparagraphs; Voter Registration; Domicile Verification. Amend RSA 654:12, V by
36 inserting after subparagraph (c) the following new subparagraphs:

37 (d) Within 90 days of each state election, the secretary of state shall cause a list of

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1 persons executing domicile affidavits since the prior election to be forwarded to the attorney general,
2 the division of motor vehicles, and the clerk of the city or town in which such persons registered. The
3 division of motor vehicles shall send a letter to each such person informing him or her of the
4 obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire
5 resident. The division of motor vehicles shall mark the envelope with instructions to the United
6 States Post Office not to forward the letter and to provide address correction information.

7 (e) The division of motor vehicles shall cause any letters mailed pursuant to
8 subparagraph (d) that are returned as undeliverable by the United States Post Office to be referred
9 to the attorney general and the attorney general shall cause an investigation to be made to
10 determine whether fraudulent registration or voting occurred.

11 (f) Upon completion of any investigation authorized under this section, the attorney
12 general shall forward a report summarizing the results of the investigation to the speaker of the
13 house of representatives, the president of the senate, and the chairpersons of the appropriate house
14 and senate standing committees with jurisdiction over election law.

15 7 Effective Date. This act shall take effect 60 days after its passage.

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LBAO
12-2983
12/21/11

SB 318-FN - FISCAL NOTE

AN ACT relative to eligibility to vote and voter registration.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Judicial Branch, Department of Justice, and Department of State. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.