

SB 318-FN – VERSION ADOPTED BY BOTH BODIES

03/21/12 1132s  
03/21/12 1301s  
15May2012... 2101h  
15May2012... 2223h  
06/06/12 2409CofC

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

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AMENDED ANALYSIS

This bill modifies forms and procedures for voter registration.

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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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Date \_\_\_\_\_

VOTER REGISTRATION FORM

(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 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***

1 *am not domiciled or voting in any other state or any other city/town.*

2 *In declaring New Hampshire as my domicile, I am subject to the laws of the state of*  
3 *New Hampshire which apply to all residents, including laws requiring a driver to register*  
4 *a motor vehicle and apply for a New Hampshire's driver's license within 60 days of*  
5 *becoming a resident.*

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

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

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

14 \_\_\_\_\_

15 Date

Signature

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

20 3 Qualified Voter Affidavit. Amend RSA 654:12, I(a) to read as follows:

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

27 Date: \_\_\_\_\_

28 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

29 Name: \_\_\_\_\_

30 Name at birth if different: \_\_\_\_\_

31 Place of birth: \_\_\_\_\_

32 Date of birth: \_\_\_\_\_

33 Date and Place of Naturalization: \_\_\_\_\_

34 **Domicile Address:** \_\_\_\_\_

35 **Mailing Address (if different):** \_\_\_\_\_

36 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I **am not in**  
37 **possession of some or all of the documents necessary to prove my identity, citizenship, and**

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1 **age and that I** am the identical person whom I represent myself to be, that I am a duly qualified  
2 voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of  
3 this date or will be at the next election, and that to the best of my knowledge and belief the  
4 information above is true and correct.

5 \_\_\_\_\_  
6 (Signature of applicant)

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

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

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

17 ***[ ] Identity***

18 ***[ ] Citizenship***

19 ***[ ] Age***

20 \_\_\_\_\_

21 Notary Public/Justice of the Peace/

22 Official Authorized by RSA 659:30

23 4 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

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

DOMICILE AFFIDAVIT

30 Date: \_\_\_\_\_

31 Name: \_\_\_\_\_

32 Current Domicile Address: \_\_\_\_\_

33 Street Ward Number

34 \_\_\_\_\_

35 Town or City Zip Code

36 ***Current Mailing Address (if different):*** \_\_\_\_\_

37 Street Ward Number

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\_\_\_\_\_  
*Town or City      Zip Code*

Date when current domicile was established: Month: \_\_\_\_ Year: \_\_\_\_  
Place and date of birth: \_\_\_\_\_  
Address of last previous domicile: \_\_\_\_\_  
Street Ward Number  
\_\_\_\_\_  
Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that ***I am not currently in possession of necessary documents to prove my domicile and that*** my established domicile is at the current domicile address I have entered above. I understand that  ***a person*** can claim only ***one state and*** one city/town as ~~[my]~~ ***his or her*** 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]~~ ***upon*** temporary absence, ***a person has the intention of returning.*** By registering or voting today, I ~~[acknowledge]~~ ***am acknowledging*** that I am not ~~[registering to vote]~~ ***domiciled*** or voting in any other city/town, 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 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.

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.

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

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

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

1 been previously registered in the town or ward reported by the applicant on the voter registration  
 2 form. If the person is a new registrant who has not been previously registered anywhere in  
 3 New Hampshire or if the centralized voter registration database does not confirm a previous  
 4 registration claimed on the voter registration form, the election official shall cause the record created  
 5 in the centralized voter registration database to indicate that the person is a new applicant in  
 6 New Hampshire and that no photo identification was presented. When municipalities enter  
 7 information on people who register on election day into the centralized voter registration database,  
 8 to the extent practical applicants who are registering for the first time in New Hampshire and who  
 9 also register without presenting an approved photo identification shall be entered first. ***The person***  
 10 ***entering the voter information of election day residents into the centralized voter***  
 11 ***registration database shall cause the records to indicate if the voter executed a domicile***  
 12 ***affidavit.***

13 (b) The secretary of state shall cause a letter of identity verification to be mailed by first  
 14 class mail to each voter identified at [~~a state general~~] ***any*** election as a first-time election day  
 15 registrant in New Hampshire who also did not verify his or her identity with an approved photo  
 16 identification. The letter shall be mailed within [~~90~~] ***60*** days after the [~~general~~] election, ***except***  
 17 ***that if the election is a state primary election, the letter shall be mailed 60 days after the***  
 18 ***general election, and if the election is a regularly scheduled municipal election, the letter***  
 19 ***shall be mailed by the July 1 or January 1 next following the election.*** The secretary of state  
 20 shall mark the envelope with instructions to the United States Post Office not to forward the letter  
 21 and to provide address correction information. The letter shall notify the person that a person who  
 22 was unable to present photo identification registered or registered and voted using his or her name  
 23 and address and instruct the person to return the letter within 45 days with a written confirmation  
 24 that the person registered and voted or to contact the attorney general immediately if he or she did  
 25 not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name  
 26 does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions  
 27 of paragraph V.

28 6 New Subparagraphs; Voter Registration; Domicile Verification. Amend RSA 654:12, V by  
 29 inserting after subparagraph (c) the following new subparagraphs:

30 (d) Within 90 days of each election, the secretary of state shall cause a list of persons  
 31 executing domicile affidavits since the prior election to be forwarded to the attorney general and the  
 32 division of motor vehicles. The secretary of state shall send a letter to each such person informing  
 33 him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of  
 34 becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election,  
 35 except that if the election is a state primary election, the letter shall be mailed 60 days after the  
 36 general election, and if the election is a regularly scheduled municipal election, the letter shall be  
 37 mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the

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1 envelope with instructions to the United States Post Office not to forward the letter and to provide  
2 address correction information.

3 (e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d)  
4 that are returned as undeliverable by the United States Post Office to be referred to the attorney  
5 general and the attorney general shall cause an investigation to be made to determine whether  
6 fraudulent registration or voting occurred.

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

11 7 Qualifications of Voter Applicant; Identity. Amend RSA 654:12, III to read as follows:

12 III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration  
13 as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship,  
14 and domicile relate to the applicant. A person who has in his or her immediate possession a photo  
15 identification approved for use by paragraph II must present that identification when applying for  
16 registration. A person who does not have an approved photo identification with him or her may  
17 establish identity through ~~[any reasonable means, including, but not limited to: photo identification~~  
18 ~~not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or~~  
19 ~~clerk, verification of the person's identity by another person registered as a voter and known to the~~  
20 ~~supervisor or clerk, or]~~ completion of the qualified voter affidavit, which shall be retained in  
21 accordance with RSA 33-A:3-a. Residents of a nursing home or similar facility may prove their  
22 identity through verification of identity by the administrator of the facility or by his or her designee.  
23 For the purposes of this section, the application of a person whose identity has been verified by an  
24 official of a nursing home or similar facility shall be treated in the same manner as the application of  
25 a person who proved his or her identity with a photo identification.

26 8 Effective Date. This act shall take effect 60 days after its passage.



LBAO  
12-2983  
Amended 05/23/12

**SB 318 FISCAL NOTE**

AN ACT relative to voter registration.

**FISCAL IMPACT:**

The Department of State states this bill, as amended by the House (Amendments #2012-2101h and 2012-2223h), will increase state general fund expenditures by an indeterminable amount in FY 2013. There will be no fiscal impact on state revenues, or county and local revenues or expenditures.

**METHODOLOGY:**

The Department of State states there are four components of this bill, which would result in a fiscal impact. First, the Department states this bill makes changes to the voter registration form, qualified voter affidavit, and domicile affidavit. The Department states it would have to reprint the forms for use at the local level, which would be a one time cost of approximately \$8,000 (\$6,000 for registration forms and \$2,000 for affidavit forms). Secondly, the Department states this bill would require changes to the centralized voter database including adding a new field to keep track of voters who sign domicile affidavits and adding reports for use by the Office of the Attorney General and Division of Motor Vehicles. The Department does not yet have accurate costs to make the necessary enhancements, but expects total cost to be between \$20,000 and \$50,000. Thirdly, the Department states this bill requires additional verification mailings for voters that fill out domicile affidavits when registering to vote. The Department is unable to determine how many verification mailings there will be and therefore cannot estimate the cost. Lastly, the Department states changes in this bill will require training of town clerks and supervisors of the checklist. The Department cannot yet estimate the cost of the necessary training. In summary, the Department estimates costs of this bill to be as follows:

<b>Description</b>	<b>Estimated Cost (FY 2013)</b>
Form Reprinting	\$8,000
IT Modifications	\$20,000 - \$50,000
Verification Mailings	Indeterminable

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Training	Indeterminable
<b>TOTAL</b>	<b>INDETERMINABLE</b>