

SB 179 – FINAL VERSION

03/26/2015 1025s
3June2015... 1944h
06/24/2015 2293EBA

2015 SESSION

15-0907
03/06

SENATE BILL **179**

AN ACT relative to eligibility to vote and relative to availability of voter information.

SPONSORS: Sen. Carson, Dist 14; Sen. Birdsell, Dist 19; Sen. Bradley, Dist 3; Sen. Stiles, Dist 24; Rep. Chandler, Carr 1; Rep. Hoelzel, Rock 3; Rep. Schroadter, Rock 17; Rep. C. McGuire, Merr 29

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

I. Expands the definition of domicile for voting purposes and requires that a voter be a resident of the state for at least 30 days.

II. Modifies the voter registration form.

III. Allows otherwise confidential voter information to be made available to the legislature in an aggregated or statistical data format.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to eligibility to vote and relative to availability of voter information.

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

1 1 Voter; Domicile. Amend RSA 654:1, I to read as follows:

2 I.(a) Every inhabitant [~~of the state~~], having [~~a single~~] established domicile [~~for voting~~
3 ~~purposes~~] ***in this state for no less than 30 consecutive days before any election where the***
4 ***inhabitant offers to vote***, being a citizen of the United States, of the age provided for in Article 11
5 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to
6 vote in the town, ward, or unincorporated place in which he or she is domiciled.

7 (b)(1) An inhabitant's domicile for voting purposes [~~is that one place where a person, more~~
8 ~~than any other place, has established a physical presence and manifests an intent to maintain a single~~
9 ~~continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-~~
10 ~~government.~~] ***shall be the principal or primary home or place of abode of a person. Principal or***
11 ***primary home or place of abode is that home or place in which his or her habitation is fixed***
12 ***and to which a person, whenever he or she is temporarily absent, has the intention of***
13 ***returning after a departure or absence therefrom, including when the person is absent because***
14 ***of military service or temporarily absent as described in RSA 654:2.***

15 (2) ***In determining what is a principal or primary place of abode of a person,***
16 ***without limitation the following factors or evidence relating to such person may be taken***
17 ***into account: civic and community participation, the place where a person spends most***
18 ***nights of the year, the location from which a person would apply for a passport or other***
19 ***federal identification, residence for income or other tax purposes, eligibility for a resident***
20 ***hunting and fishing license, and a New Hampshire driver's license.***

21 (3) ***A qualified voter who has left his or her home and gone into another***
22 ***state or town of this state for a temporary purpose only shall not be considered to have lost***
23 ***his or her domicile as described in RSA 654:2.***

24 (4) ***A person shall not be considered to have gained a domicile in any town***
25 ***or ward of this state into which he or she comes for temporary purposes only, without the***
26 ***intention of making it his or her home but with the intention of leaving it when he or she***
27 ***has accomplished the purpose that brought him or her there. Evidence that a person who,***
28 ***prior to arriving in New Hampshire, was domiciled in another state and is temporarily***

present in New Hampshire for any purpose including, but not limited to vacation, short-term temporary work, volunteering for social or civic purposes, or volunteering or working on political campaigns is not sufficient evidence that the person has established a domicile in New Hampshire.

(5) If a qualified voter moves to another state, with the intention of making it his or her permanent home, he or she shall be considered to have lost his or her domicile in this state.

(c) A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.

2 New Paragraphs; Voter; Domicile. Amend RSA 654:1 by inserting after paragraph I-a the following new paragraphs:

I-b. Any person who establishes a voting domicile that otherwise meets the requirement of paragraph I, later than 30 days before any election where the inhabitant offers to vote shall vote at the polling place for the town or ward of his or her most recent previous domicile. Except that any person who transfers an existing New Hampshire voter registration and satisfies the requirements of this chapter for proving his or her new domicile may vote at the polling place for the town or ward of his or her new domicile.

I-c. Any person who met the requirements of this chapter to register to vote in New Hampshire who has established a voting domicile outside of New Hampshire within the 30 consecutive days before an election and is not allowed to register and vote in that election in the state of his or her new domicile because he or she established that new domicile within 30 consecutive days before that election may vote at the polling place for the New Hampshire town or ward where he or she was previously domiciled.

3 Voter Registration Form. Amend RSA 654:7, IV to read as follows:

IV.(a) ~~[A]~~ Standard registration application ~~[form]~~ **forms** shall be used throughout the state. The registration ~~[form]~~ **forms** shall be no larger than 8 1/2 inches by 11 inches.

(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 at the polling place on the date of a state general election, 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

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1 (Please print or type)

2 1. Name _____

3 Last (suffix) First Full Middle Name

4 2. Domicile Address _____

5 Street Ward Number

6 _____

7 Town or City Zip Code

8 3. Mailing Address if different than in 2 _____

9 Street

10 _____

11 Town or City Zip Code

12 4. Place and Date of Birth _____

13 Town or City State

14 Date _____

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

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

17 _____

18 6. Place last registered to vote _____

19 Street Ward Number

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

21 _____

22 8. Party Affiliation (if any) _____

23 9. Driver's License Number _____ State _____

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

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

28 I understand that to vote in this [~~city/town~~] **ward/town**, I must be at least 18 years of age, I
29 must be a United States citizen, and I must be domiciled in this [~~city/town~~] **ward/town**.
30 **Furthermore, I understand that I must have been domiciled in New Hampshire for no less**
31 **than 30 consecutive days before the first election in which I intend to vote.**

32 **I understand that if I have not been domiciled in New Hampshire for at least 30**
33 **consecutive days prior to an election but have completed this form, I have not met the**
34 **registration requirements for said election but will be registered for the first election that I**
35 **am eligible to vote in.**

36 I understand that a person can claim only one state and one city/town as his or her domicile at a
37 time. A domicile is that place, to which upon temporary absence, a person has the intention of

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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 New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.]~~

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 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.

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, ***transfers, or updates*** at the polling place on the date of a state general election, 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

FOR USE AT THE POLLING PLACE ON THE DATE OF THE STATE GENERAL ELECTION

(Please print or type)

- | | |
|----|--------------------------------------|
| 1. | Name _____ |
| | Last (suffix) First Full Middle Name |
| 2. | Domicile Address _____ |
| | Street Ward Number |
| | _____ |
| | Town or City Zip Code |

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3. Mailing Address if different than in 2 _____

Street

Town or City

Zip Code

4. Place and Date of Birth _____

Town or City

State

Date _____

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

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] **ward/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] **ward/town**. **Furthermore, I understand that I must have been domiciled in New Hampshire for no less than 30 consecutive days before the first election in which I intend to vote.**

I understand that if I have not been domiciled in New Hampshire for at least 30 consecutive days prior to an election but have completed this form, I have not met the registration requirements for said election but will be registered for the first election that I am eligible to vote in.

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 New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.]~~

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.

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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

If this form is used in place of proof of identity, age, citizenship, or domicile, 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):

Identity	yes/no	_____
		(initials)

Citizenship	yes/no	_____
		(initials)

Age	yes/no	_____
		(initials)

Domicile	yes/no	_____
		(initials)

Applicant	Election Official

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

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.

4 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter and domicile affidavits, affidavit of religious exemption, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. ***However, otherwise confidential information on registration forms,***

1 *absentee registration affidavits, qualified voter affidavits, challenged voter affidavits,*
2 *domicile affidavits, affidavits of religious exemption, and applications for absentee ballot*
3 *shall be made available to the legislature in an aggregated or statistical data format that*
4 *conceals the identities of individual voters. Said aggregated or statistical data may be*
5 *presented in public legislative hearings.* Notwithstanding the foregoing, qualified voter and
6 domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an
7 individual registering to vote or voting, challenging ballots to be recounted, to the extent that such
8 ballot challenges are specifically authorized by law, or determining the accuracy of any qualified
9 voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their
10 official duties may access and may disclose information from the voter registration form, qualified
11 voter and domicile affidavits, affidavits of religious exemption, absentee registration affidavits, and
12 applications for absentee ballots, if necessary to resolve a challenge to an individual registering to
13 vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law
14 enforcement access and use of such records for the investigation or prosecution of crimes unrelated to
15 election law violations shall be limited to the records of the specific individuals who are the subject of
16 the investigation or prosecution.

17 5 Effective Date. This act shall take effect December 1, 2015.

18 VETOED July 10, 2015