

SB 3 - AS AMENDED BY THE SENATE

03/30/2017 1016s

2017 SESSION

17-0883
03/04

SENATE BILL **3**

AN ACT relative to domicile for voting purposes.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Avard, Dist 12; Sen. Sanborn, Dist 9; Sen. Gray, Dist 6; Sen. Innis, Dist 24; Sen. Gannon, Dist 23; Sen. Giuda, Dist 2; Sen. French, Dist 7; Sen. Reagan, Dist 17; Rep. Hoelzel, Rock. 3

COMMITTEE: Election Law and Internal Affairs

AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes. This bill also modifies requirements for documenting the domicile of a person registering to vote.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to domicile for voting purposes.

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

1 1 Voters; Temporary Absence or Presence. Amend RSA 654:2 to read as follows:

2 654:2 Temporary Absence **or Presence**.

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 ***coupled with a verifiable act or acts carrying out that intent***. A voter can have
8 only one domicile for ~~[these]~~ **voting** purposes. No person shall be deemed to have lost a domicile by
9 reason of his or her presence or absence while the voter or his or her spouse is employed in the
10 service of the United States; nor while engaged in the navigation of the waters of the United States
11 or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined
12 in any public prison or other penal institution; nor while a patient or confined for any reason in any
13 nursing, convalescent home or hospital, old folks or old age home, or like institution or private
14 facility.

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

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

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

30 ***(d) For the purposes of voter registration, acts demonstrating an intent to make***
31 ***a place an individual's domicile shall include, but are not limited to:***

- 1 (1) *Residency at an institution of higher learning;*
- 2 (2) *Renting or leasing an abode at that place for a period of more than 30*
3 *days;*
- 4 (3) *Purchasing an abode at that place;*
- 5 (4) *Obtaining a New Hampshire resident motor vehicle registration,*
6 *driver's license, or official nondriver's picture identification card listing that place as his*
7 *or her residence;*
- 8 (5) *Enrolling the person's dependent minor child in a publicly funded*
9 *elementary or secondary school which serves the town or ward of that place;*
- 10 (6) *Listing that place as the person's physical residence address on state or*
11 *federal tax forms, other government identification, or other government forms that show*
12 *the domicile address;*
- 13 (7) *Providing the address of that place to the United States Post Office as*
14 *the person's permanent address, provided it is not a postal service or commercial post*
15 *office box;*
- 16 (8) *Obtaining a New Hampshire resident hunting or fishing license, listing*
17 *that place as his or her residence;*
- 18 (9) *Obtaining utility services for an indefinite period at that place; or*
- 19 (10) *Arranging for a homeless shelter or similar service provider located in*
20 *the town or ward to receive United States mail on behalf of the individual using that*
21 *facility's address as the individual's domicile address for voting purposes.*

22 (e) *An applicant whose domicile is at an abode rented, leased, or owned by*
23 *another and whose name is not listed on the rental agreement, lease, or deed may provide*
24 *a written statement from a person who is listed on the rental agreement, lease, or deed, or*
25 *other reasonable proof of ownership or control of the property or his or her agent who*
26 *manages the property that the applicant resides at that address, signed by the owner or*
27 *manager of the property under penalty of voting fraud if false information is provided.*
28 *The statement shall be on the form prescribed by the secretary of state for that purpose or*
29 *contain all the information set forth on that official form.*

30 III. *An individual applying for registration as a voter 30 or fewer days before an*
31 *election shall use the election day registration form required by RSA 654:7, IV(c) which*
32 *shall require the applicant to provide the date he or she established his or her voting*
33 *domicile in New Hampshire. The registration form shall require the voter to identify and*
34 *provide evidence of a verifiable action he or she has taken carrying out his or her intent to*
35 *make the place claimed on the voter registration form his or her domicile.*

36 IV. *A person may register on election day through use of an acknowledgment of*
37 *domicile evidence obligation on the registration form and vote if he or she does not have*
38 *any document in his or her possession at the polls providing evidence of an action*

1 *carrying out his or her intent to make the address claimed as his or her voting domicile. A*
 2 *person relying on an acknowledgment of domicile evidence obligation to register must*
 3 *mail or present evidence of an action taken before registering to vote to carry out his or*
 4 *her intent to make the address claimed his or her domicile to the town or city clerk within*
 5 *10 days following the election, or within 30 days in towns where the clerk's office is open*
 6 *fewer than 20 hours weekly.*

7 *V. The supervisors of the checklist shall as soon as practical following the first*
 8 *election at which a person who relied solely on an acknowledgment of domicile evidence*
 9 *obligation to register and vote, but who fails to mail or present evidence of having taken*
 10 *some action to carry out his or her intent to establish domicile at the address listed on his*
 11 *or her voter registration application to the clerk by the deadline, verify that the person*
 12 *was domiciled at the address claimed on election day by means including, but not limited*
 13 *to:*

14 *(a) Examining public records held by the town or city clerk, municipal*
 15 *assessing and planning offices, tax collector, or other municipal office that may house*
 16 *public records containing domicile confirmation; or*

17 *(b) Requesting 2 or more supervisors or municipal, county, or state election*
 18 *officers or their agents to visit the address and verify that the individual was domiciled*
 19 *there on election day.*

20 *VI. The supervisors shall promptly report to the secretary of state, the name of any*
 21 *applicant who fails to mail or present evidence of a verifiable act to the clerk. The*
 22 *supervisors shall also initiate removal of the person from the checklist by sending the*
 23 *person the notice required by RSA 654:44.*

24 *2 Voter Registration Form; Day of General Election. Amend RSA 654:7, IV(c) to read as*
 25 *follows:*

26 *(c) The secretary of state shall prescribe the form of the voter registration form to be*
 27 *used only for voter registrations, transfers, or updates **starting 30 days before each election and***
 28 *at the polling place on the date of a state general election, which shall be in substantially the*
 29 *following form:*

30 ☐ NEW REGISTRATION I am not registered to vote in New Hampshire

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

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

35 Date *registration form is submitted* _____

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

37 VOTER REGISTRATION FORM

38 FOR USE **STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON**

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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

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

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

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. If a city, ward number _____.

I understand that to vote in this 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 ward/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 realize that I am not qualified to vote in the state

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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 understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent. While a person need not have taken any particular verifiable action listed below to register to vote, a person must report and provide evidence of an action if the person has one. I understand that I must present evidence of my actions carrying out my intent to be domiciled at this address when registering to vote. If I do not have such a document when registering on election day I understand I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).

_____ *By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.*

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

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

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):

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1 Identity yes/no _____
2 (initials)
3 Citizenship yes/no _____
4 (initials)
5 Age yes/no _____
6 (initials)
7 Domicile yes/no _____
8 (initials)

9 _____
10 Applicant Election Official
11 _____

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

13 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
14 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
15 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
16 vote or voting is subject to a civil penalty not to exceed \$5,000. ***In accordance with RSA 659:34-a***
17 ***voting in more than one state in the same election is a class B felony with a maximum***
18 ***sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.***

19 ***V. The secretary of state shall prepare and distribute an addendum to the voter***
20 ***registration form used under RSA 654:7, IV(c) to be distributed to those election day***
21 ***residents who do not provide proof of domicile or a verifiable action to demonstrate***
22 ***domicile. The "verifiable action of domicile" document shall be in substantially the***
23 ***following form:***

24 ***Verifiable Action of Domicile***

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

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

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

33 ***___ rented or leased, for a period of more than 30 days, or purchased an abode at the***
34 ***address listed on the voter registration form***

35 ***___ obtained a New Hampshire resident motor vehicle registration, driver's license, or***
36 ***official nondriver's picture identification card listing the address on the voter***
37 ***registration form***

38 ***___ enrolled a dependent minor child in a publicly funded elementary or secondary***

school which serves the town or ward of the address listed on the voter registration form

Listed the address on the voter registration form as your physical residence address on:

___ state or federal tax forms

___ a United States passport

___ other government forms or identification, describe: _____

___ 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 a New Hampshire resident hunting or fishing license listing the address on the voter registration form as your residence

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

___ 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. The statement shall be on the form prescribed by the secretary of state for that purpose or must contain all the information set forth on the official form.

This form, along with your 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

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Date *Signature of Applicant*

This document was received by the clerk, who examined and returned to the applicant or destroyed the evidence of verifiable action.

Date *Signature of Clerk*

The clerk shall forward the completed form to the supervisors of the checklist, who shall attach it to the voter registration form.

3 Determining Qualifications of Applicant; Domicile. Amend RSA 654:12, I(c) to read as follows:

(c) DOMICILE.

(1) Registering in advance of an election.

(A) A person who possesses one of the following qualified documents listing the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or picture identification card (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address, (iv) government issued check, benefit statement, or tax document. A person who possess 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 [~~which indicates~~] 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 [a] that domicile, as defined in this chapter, at least until election day in the town[~~-city,~~] or ward in which he or she desires to vote[~~-or,~~]. Reasonable documentation includes, but is not limited to evidence of:

- (i) Residency at an institution of higher learning;*
- (ii) Renting or leasing an abode at that place for a period of more than 30 days;*
- (iii) Evidence of purchasing an abode at that place;*
- (iv) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place;*
- (v) Listing that place as the person's physical residence address on state or federal tax forms, a United States passport, other government identification, or*

1 *other government forms;*

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

5 *(vii) Obtaining a New Hampshire resident hunting or fishing license*
6 *listing that place as residence;*

7 *(viii) Obtaining utility services for an indefinite period at that place;*
8 *or*

9 *(ix) Arranging for a homeless shelter or similar service provider*
10 *located in the town or ward to receive United States mail on behalf of the individual.*

11 *An applicant whose domicile is at an abode of another and whose name is not listed on the*
12 *document offered as proof of domicile may provide a written statement from a person who*
13 *is listed as owner, property manager, or tenant on the document that the applicant resides*
14 *at that address, signed by that person under penalty of voting fraud if false information is*
15 *provided. The statement shall be on the form prescribed by the secretary of state for that*
16 *purpose or must contain all the information set forth on the official form.*

17 *(2) Registering on election day.*

18 *(A) When registering on election day as provided in RSA 654:7-a, if the*
19 *applicant does not have in his or her possession at the polls one of the qualified documents*
20 *listed in subparagraph (1) nor other reasonable documentation which establishes that it*
21 *is more likely than not that the applicant has a domicile at the address claimed in the*
22 *town or ward in which he or she desires to vote [if the applicant does not have reasonable*
23 *documentation in his or her possession at the place and time of voter registration], he or she may*
24 *execute a sworn statement on the general election day voter registration form[, or an affidavit] and*
25 *initial the acknowledgment of domicile evidence obligation. If the applicant identifies on*
26 *his or her application action taken to establish his or her domicile, which he or she has*
27 *documentation of, he or she must agree to mail a copy of or present the document in*
28 *person to the city or town clerk within 10 days, or where the town clerk's office is open*
29 *fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance*
30 *with this section are exempt from the public disclosure required by RSA 91-A. The clerk*
31 *shall document receipt of a copy or completion of verification of a document presented in*
32 *person and report receipt or verification to the supervisors of the checklist. An applicant*
33 *whose voter registration is approved based on an acknowledgment of domicile evidence*
34 *obligation who fails to provide a document to the city or town clerk as required by this*
35 *paragraph shall be subject to the penalties of wrongful voting as established in RSA*
36 *659:34. The supervisors of the checklist shall initiate removing the name from the*
37 *checklist of any such person who fails to provide proof of domicile by the deadline by*
38 *sending the person the notice required by RSA 654:44.*

(B) A person registering on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall as soon as practical following the first election at which the person initials such paragraph to register and vote verify that the person was domiciled at the address claimed on election day by:

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

(ii) Requesting 2 or more supervisors or municipal, county, or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day.

(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted. ~~[in the following form, which shall be retained in accordance with RSA 33-A:3-a:~~

~~DOMICILE AFFIDAVIT~~

~~_____ Date: _____~~

~~Name: _____~~

~~Current Domicile Address: _____~~

~~_____ Street Ward Number~~

~~_____~~

~~_____ Town or City Zip Code~~

~~Current Mailing Address (if different): _____~~

~~_____ Street Ward Number~~

~~_____~~

~~_____ Town or City Zip Code~~

~~Telephone number (requested but optional) _____~~

~~Email address (requested but optional) _____~~

~~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~~

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1 ~~currently in possession of necessary documents to prove my domicile and that my established~~
2 ~~domicile is at the current domicile address I have entered above. I understand that a person can~~
3 ~~claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to~~
4 ~~which upon temporary absence, a person has the intention of returning. By registering or voting~~
5 ~~today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the~~
6 ~~best of my knowledge and belief the information above is true and correct.~~

7 _____
8 ~~(Signature of applicant)~~

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

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

18 _____
19 ~~Notary Public/Justice of the Peace/Official Authorized by RSA 659:30]~~

20 4 Determining Qualifications of Applicant. Amend RSA 654:12, V(a) to read as follows:

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

1 5 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

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

13 6 References Deleted. Amend RSA 654:31-a to read as follows:

14 654:31-a Right to Know Exemption. The information contained on the checklist of a town or
15 city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if
16 any, of registered voters, except as otherwise provided by statute, is public information subject to
17 RSA 91-A. All other information on the voter registration form, absentee registration affidavit,
18 qualified voter [~~and domicile~~] affidavits, affidavit of religious exemption, and application for
19 absentee ballot shall be treated as confidential information and the records containing this
20 information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided
21 by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter [~~and domicile~~]
22 affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual
23 registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot
24 challenges are specifically authorized by law, or determining the accuracy of any qualified voter [~~or~~
25 ~~domicile~~] affidavit. Election officials and law enforcement personnel in furtherance of their official
26 duties may access and may disclose information from the voter registration form, qualified voter
27 [~~and domicile~~] affidavits, affidavits of religious exemption, absentee registration affidavits, and
28 applications for absentee ballots, if necessary to resolve a challenge to an individual registering to
29 vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law
30 enforcement access and use of such records for the investigation or prosecution of crimes unrelated
31 to election law violations shall be limited to the records of the specific individuals who are the
32 subject of the investigation or prosecution.

33 7 Reference Deleted. Amend RSA 659:30 to read as follows:

34 659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified
35 voter affidavit, [~~a voter domicile affidavit,~~] or any other affidavit required by the election statutes
36 may be sworn before any person authorized by law to administer oaths or before any election officer.

37 8 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

38 (a) When registering to vote; when obtaining an official ballot; when casting a vote by

official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, ~~[a domicile affidavit,]~~ a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

9 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(f)-(g) to read as follows:

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; ~~[or]~~

(g) Presents falsified proof of identity at any election;

(h) Registers to vote on election day using an affidavit to satisfy proof of being qualified, represents on the affidavit that the person possess proof that he or she does not have in his or her possession at the polling place, and fails to provide a copy of the document by mail or present the document in person to the town or city clerk by the deadline established in RSA 654:12; or

(i) Provides false information in a written and signed statement or other documentation that another person is domiciled at an address that is owned, leased, rented, or managed by the individual providing the statement for the purposes of voter registration and that statement is used for voter registration purposes.

10 References Deleted. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials~~[,]~~ **and** Election Day Affidavits~~[, and Domicile Affidavits]~~. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits ~~[and domicile affidavits]~~ as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter~~[,]~~ **and** voter registration~~[, and domicile]~~ affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

11 Verifiable Action of Domicile Documents. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

(f) ~~[Domicile affidavit]~~ **Verifiable action of domicile document**: until voter is removed from checklist plus 7 years.

12 Effective Date. This act shall take effect January 1, 2018.