

CHAPTER 205  
SB 3 - FINAL VERSION

03/30/2017 1016s  
1Jun2017... 1775h

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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to domicile for voting purposes.

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

1 205:1 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.***

1           (d) *For the purposes of voter registration under RSA 654:7, IV(c), an applicant*  
2 *shall demonstrate an intent to make a place his or her domicile by providing*  
3 *documentation showing that the applicant has a domicile at the address provided on the*  
4 *voter registration form. Such documentation may include, but is not limited to:*

5                 (1) *Evidence of residency, as set forth in RSA 654:1, I-a, at an institution of*  
6 *learning in that place;*

7                 (2) *Evidence of renting or leasing an abode at that place for a period of*  
8 *more than 30 days, to include time directly prior to an election day;*

9                 (3) *Evidence of purchasing an abode at that place;*

10                (4) *A New Hampshire resident motor vehicle registration, driver's license,*  
11 *or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing that*  
12 *place as his or her residence;*

13                (5) *Evidence of enrolling the person's dependent minor child in a publicly*  
14 *funded elementary or secondary school which serves the town or ward of that place, using*  
15 *the address where the registrant resides;*

16                (6) *Identifying that place as the person's physical residence address on*  
17 *state or federal tax forms, other government-issued identification, or other government*  
18 *forms that show the domicile address;*

19                (7) *Evidence of providing the address of that place to the United States Post*  
20 *Office as the person's permanent address, provided it is not a postal service or commercial*  
21 *post office box;*

22                (8) *Evidence of obtaining public utility services for an indefinite period at*  
23 *that place; or*

24                (9) *Evidence of arranging for a homeless shelter or similar service provider*  
25 *located in the town or ward to receive United States mail on behalf of the individual using*  
26 *that facility's address as the individual's domicile address for voting purposes.*

27           (e) *An applicant whose domicile is at an abode rented, leased, or owned by*  
28 *another and whose name is not listed on the rental agreement, lease, or deed may provide*  
29 *a written statement from a person who is listed on the rental agreement, lease, or deed, or*  
30 *other reasonable proof of ownership or control of the property or his or her agent who*  
31 *manages the property that the applicant resides at that address, signed by the owner or*  
32 *manager of the property under penalty of voting fraud if false information is provided.*

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

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1 *make the place claimed on the voter registration form his or her domicile.*

2 *IV. A person may register on election day through use of an acknowledgment of*  
3 *domicile evidence obligation on the registration form and vote if he or she does not have*  
4 *any document in his or her possession at the polls providing evidence of an action*  
5 *carrying out his or her intent to make the address claimed as his or her voting domicile. A*  
6 *person relying on an acknowledgment of domicile evidence obligation to register must*  
7 *mail or present evidence of an action taken before registering to vote to carry out his or*  
8 *her intent to make the address claimed his or her domicile to the town or city clerk within*  
9 *10 days following the election, or within 30 days in towns where the clerk's office is open*  
10 *fewer than 20 hours weekly.*

11 *V. The supervisors of the checklist, as soon as practical following an election, shall*  
12 *determine which registrants of that election acknowledged there was no evidence of intent*  
13 *to be domiciled at their address or relied solely on an acknowledgment of domicile*  
14 *evidence obligation to register and vote, and, of those registrants, those who failed to mail*  
15 *or present evidence of having taken some action to carry out their intent to establish*  
16 *domicile at the address listed on their voter registration applications to the clerk by the*  
17 *deadline. The supervisors shall attempt to verify that each such person was domiciled at*  
18 *the address claimed on election day by means including, but not limited to:*

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

22 *(b) Requesting 2 or more municipal officers or their agents or state election*  
23 *officers or their agents to visit the address and verify that the individual was domiciled*  
24 *there on election day. In unincorporated places that have not organized for the purposes*  
25 *of conducting elections, county officers may be asked to perform this function; or*

26 *(c) Referring the registrant's information to the secretary of state, who shall*  
27 *cause such further investigation as is warranted.*

28 *VI. Any case where supervisors are unable to verify the applicant's domicile or*  
29 *where evidence exists of voting fraud shall be promptly reported to the secretary of state*  
30 *and to the attorney general, who shall cause such further investigation as is warranted.*  
31 *After receiving confirmation from the secretary of state that an individual is not*  
32 *domiciled at the address provided, the supervisors shall also initiate removal of the person*  
33 *from the checklist by sending the person the notice required by RSA 654:44.*

34 205:2 Voter Registration Form. Amend RSA 654:7, III-IV to read as follows:

35 *III. If an applicant is unable to provide the proof of qualifications as required in RSA*  
36 *654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and*  
37 *completing the form in subparagraph IV(b), unless the person is registering **within 30 days before***

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1 ***an election or*** at the polling place on [~~the date of a state general~~] election ***day***. If an applicant is  
2 registering at the polling place on [~~the date of a state general~~] election ***day*** and is unable to provide  
3 the proof of qualifications as required in RSA 654:12, he or she may register by completing the form  
4 in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other  
5 person, working in conjunction with the supervisors of the checklist, who is authorized by law to  
6 administer oaths, including, but not limited to, any justice of the peace or notary public; should the  
7 applicant not otherwise have proof of identity and therefore be relying upon the form for proof of  
8 identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes  
9 of any person administering the oath, notwithstanding any language to the contrary in any laws  
10 relating to the administering of oaths for other purposes.

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

13 (b) The secretary of state shall prescribe the form of the voter registration form to be  
14 used for voter registrations, transfers, or updates other than those ***used within 30 days of an***  
15 ***election or*** at the polling place on [~~the date of a state general~~] election ***day***, which shall be in  
16 substantially the following form:

17 \_\_\_ NEW REGISTRATION I am not registered to vote in New Hampshire

18 \_\_\_ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile  
19 to a new town or ward in New Hampshire

20 \_\_\_ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have  
21 changed my name/address

22 Date \_\_\_\_\_

23 **VOTER REGISTRATION FORM**

24 (Please print or type)

25 1. Name \_\_\_\_\_

26 Last (suffix) First Full Middle Name

27 2. Domicile Address \_\_\_\_\_

28 Street Ward Number

29 \_\_\_\_\_  
30 Town or City Zip Code

31 3. Mailing Address if different than in 2 \_\_\_\_\_

32 Street

33 \_\_\_\_\_  
34 Town or City Zip Code

35 4. Place and Date of Birth \_\_\_\_\_

36 Town or City State

37 Date \_\_\_\_\_

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1 5. Are you a citizen of the United States? Yes \_\_\_\_ No \_\_\_\_

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

3 \_\_\_\_\_

4 6. Place last registered to vote \_\_\_\_\_

5 Street Ward Number

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

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

10 \_\_\_\_\_

11 8. Party Affiliation (if any) \_\_\_\_\_

12 9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

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

15 My name is \_\_\_\_\_. I am today registering to vote in the city/town of  
16 \_\_\_\_\_, New Hampshire. If a city, ward number \_\_\_\_\_.

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

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

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

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

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

31 \_\_\_\_\_

32 Date Signature of Applicant

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

37 (c) The secretary of state shall prescribe the form of the voter registration form to be

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1 used only for voter registrations, transfers, or updates **starting 30 days before each election and**  
2 at the polling place on [~~the date of a state general~~] election **day**, which shall be in substantially the  
3 following form:

4 \_\_\_ NEW REGISTRATION I am not registered to vote in New Hampshire

5 \_\_\_ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a  
6 new town or ward in New Hampshire

7 \_\_\_ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have  
8 changed my name/address

9 Date **registration form is submitted** \_\_\_\_\_

10 **Date applicant moved to the address listed below as the voter's domicile** \_\_\_\_\_

11 VOTER REGISTRATION FORM

12 FOR USE **STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON**  
13 [~~THE DATE OF THE STATE GENERAL~~] **ELECTION DAY**

14 (Please print or type)

15 1. Name \_\_\_\_\_

16 Last (suffix) First Full Middle Name

17 2. Domicile Address \_\_\_\_\_

18 Street Ward Number

19 \_\_\_\_\_

20 Town or City Zip Code

21 3. Mailing Address if different than in 2 \_\_\_\_\_

22 Street

23 \_\_\_\_\_

24 Town or City Zip Code

25 4. Place and Date of Birth \_\_\_\_\_

26 Town or City State

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

28 5. Are you a citizen of the United States? Yes \_\_\_ No \_\_\_

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

30 \_\_\_\_\_

31 6. Place last registered to vote \_\_\_\_\_

32 Street Ward Number

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

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

37 \_\_\_\_\_

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1 8. Party Affiliation (if any) \_\_\_\_\_

2 9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

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

5 My name is \_\_\_\_\_. I am today registering to vote in the city/town of  
6 \_\_\_\_\_, New Hampshire. If a city, ward number \_\_\_\_\_.

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

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

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

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

17 ***I understand that to make the address I have entered above my domicile for voting I***  
18 ***must have an intent to make this the one place from which I participate in democratic***  
19 ***self-government and must have acted to carry out that intent.***

20 ***I understand that if I have documentary evidence of my intent to be domiciled at this***  
21 ***address when registering to vote, I must either present it at the time of registration or I***  
22 ***must place my initials next to the following paragraph and mail a copy or present the***  
23 ***document at the town or city clerk's office within 10 days following the election (30 days in***  
24 ***towns where the clerk's office is open fewer than 20 hours weekly).***

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

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

35 ***I understand that if I do not have any documentary evidence of my intent to be***  
36 ***domiciled at this address, I must place my initials next to the following paragraph:***

37 \_\_\_\_\_ ***By placing my initials next to this paragraph, I am acknowledging that I am***



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1 *aware of no documentary evidence of actions carrying out my intent to be domiciled at*  
2 *this address, that I will not be mailing or delivering evidence to the clerk's office, and that*  
3 *I understand that officials will be sending mail to the address on this form or taking other*  
4 *actions to verify my domicile at this address.*

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

9 \_\_\_\_\_  
10 Date Signature of Applicant

11 If this form is used in place of proof of identity, age, **or** citizenship[~~, or domicile~~], I hereby swear  
12 that such information is true and accurate to the best of my knowledge.

13 This form was executed for purposes of proving (applicant shall circle yes or no and initial each  
14 item):

15 Identity yes/no \_\_\_\_\_  
16 (initials)

17 Citizenship yes/no \_\_\_\_\_  
18 (initials)

19 Age yes/no \_\_\_\_\_  
20 (initials)

21 [~~Domicile~~ ~~yes/no~~ ~~\_\_\_\_\_~~  
22 ~~(initials)~~]

23 \_\_\_\_\_  
24 Applicant Election Official

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

27 In accordance with RSA 659:34, the penalty for knowingly or [~~purposefully~~] **purposely**  
28 providing false information when registering to vote or voting is a class A misdemeanor with a  
29 maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.  
30 Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. ***In***  
31 ***accordance with RSA 659:34-a voting in more than one state in the same election is a class***  
32 ***B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to***  
33 ***exceed \$4,000.***

34 ***V. The secretary of state shall prepare and distribute an addendum to the voter***  
35 ***registration form used under subparagraph IV(c) to be distributed to those registrants***  
36 ***who register within 30 days before the election or on election day and who do not provide***  
37 ***proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of***

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1 *domicile" document shall provide notice of the requirements that registrants must furnish*  
2 *documentary evidence of domicile and shall be in substantially the following form:*

3 *Verifiable Action of Domicile*

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

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

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

12 *\_\_\_ established residency, as set forth in RSA 654:1, I-a, at an institution of learning at*  
13 *the address on the voter registration form*

14 *\_\_\_ rented or leased an abode, for a period of more than 30 days, to include time*  
15 *directly prior to an election day at the address listed on the voter registration form*

16 *\_\_\_ purchased an abode at the address listed on the voter registration form*

17 *\_\_\_ obtained a New Hampshire resident motor vehicle registration, driver's license, or*  
18 *identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the*  
19 *address on the voter registration form*

20 *\_\_\_ enrolled a dependent minor child in a publicly funded elementary or secondary*  
21 *school which serves the town or ward of the address where the registrant resides, as listed*  
22 *on the voter registration form*

23 *Identified the address on the voter registration form as your physical residence*  
24 *address on:*

25 *\_\_\_ state or federal tax forms*

26 *\_\_\_ other government-issued forms or identification. Describe form of*  
27 *identification: \_\_\_\_\_*

28 *\_\_\_ provided the address on the voter registration form to the United States Post Office*  
29 *as your permanent address, provided it is not a postal service or commercial post office*  
30 *box, where mail is delivered to your home. This can be by listing the address on the voter*  
31 *registration form as your new address on a Postal Service permanent change of address*  
32 *form and providing a copy of the receipt, or an online emailed receipt*

33 *\_\_\_ obtained public utility services (electricity, cable, gas, water, etc.) for an indefinite*  
34 *period at the address on the voter registration form. List services obtained:*

35 \_\_\_\_\_

36 *\_\_\_ arranged for a homeless shelter or similar service provider to receive United States*  
37 *mail on your behalf. Enter name of the shelter or provider: \_\_\_\_\_*

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1       \_\_\_ describe what other verifiable action or actions you have taken to make the address  
2 listed on your voter registration form your one voting domicile: \_\_\_\_\_  
3 \_\_\_\_\_

4       If you have no other proof of a verifiable act establishing domicile, and your domicile  
5 is at an abode rented, leased, or purchased by another and your name is not listed on the  
6 rental agreement, lease, or deed, you are required to provide a written statement, signed  
7 under penalty of voting fraud if false information is provided, from a person who is listed  
8 on such document, or other reasonable proof of ownership or control of the property,  
9 attesting that you reside at that address, signed by that person or his or her agent who  
10 manages the property.

11       This verifiable action of domicile form, along with your written statement or other  
12 documentation proving a verifiable act, shall be delivered to the town or city clerk, by  
13 mail or in person, with 10 days, or within 30 days if the clerk's office is open fewer than 20  
14 hours weekly.

15       Name \_\_\_\_\_

16                   Last (suffix)                   First                   Full Middle Name

17       Domicile Address \_\_\_\_\_

18                   Street   Ward Number

19 \_\_\_\_\_  
20                   Town or City   Zip Code

21 \_\_\_\_\_  
22                   Date   Signature of Applicant

23       This document was received by the clerk, who examined and returned it to the  
24 applicant after making a copy of the evidence of verifiable action, said copy to be attached  
25 to the verifiable action of domicile form.

26 \_\_\_\_\_  
27                   Date   Signature of Clerk

28       The clerk shall forward the completed form and attachment or attachments to the  
29 supervisors of the checklist as soon as possible, but not later than their next meeting. The  
30 supervisors of the checklist shall attach the form and attachments to the voter  
31 registration form.

32       205:3 Election Day Registration. Amend RSA 654:7-a, I to read as follows:

33       I. The provisions of this section and those of RSA 654:7-b shall be used as an additional  
34 procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term  
35 "election day" shall refer to state primary and to state general elections, to all town, city, school  
36 district, and village district elections, and to all official ballot meetings where persons may vote by  
37 absentee ballot. A person who registers to vote on election day according to the provisions of this

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1 section shall also be required to complete the voter registration form provided for in RSA 654:7,  
2 **IV(c)**. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any  
3 provision of RSA 654 to the contrary.

4 205:4 Effect of Registration on Election Day. Amend RSA 654:7-b to read as follows:

5 654:7-b Effect of Registration on Election Day. Any person who registers to vote on election day  
6 according to the provisions of RSA 654:7-a shall be registered to vote at all subsequent town, **city**,  
7 **school district, village district**, state, and federal elections **unless the person's name is**  
8 **removed from the checklist in accordance with the provisions of this chapter**.

9 205:5 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

10 (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall  
11 accept from the applicant any one of the following as proof of citizenship: the applicant's birth  
12 certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter  
13 affidavit, a sworn statement on the [~~general election day~~] voter registration form **used starting 30**  
14 **days before an election and on election day**, or any other reasonable documentation which  
15 indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the  
16 following form, and shall be retained in accordance with RSA 33-A:3-a:

17 Date: \_\_\_\_\_

18 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

19 Name: \_\_\_\_\_

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

21 Place of birth: \_\_\_\_\_

22 Date of birth: \_\_\_\_\_

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

24 Domicile Address: \_\_\_\_\_

25 Mailing Address (if different): \_\_\_\_\_

26 Telephone number (requested but optional) \_\_\_\_\_

27 Email address (requested but optional) \_\_\_\_\_

28 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in  
29 possession of some or all of the documents necessary to prove my identity, citizenship, and age and  
30 that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this  
31 town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or  
32 will be at the next election, and that to the best of my knowledge and belief the information above is  
33 true and correct.

34 \_\_\_\_\_

35 (Signature of applicant)

36 In accordance with RSA 659:34, the penalty for knowingly or [~~purposefully~~] **purposely**  
37 providing false information when registering to vote or voting is a class A misdemeanor with a

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1 maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.  
2 Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

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

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

9  Identity

10  Citizenship

11  Age

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

14 (b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age  
15 or older at the next election, or, if the applicant does not have reasonable documentation in his or  
16 her possession at the place and time of voter registration, a qualified voter affidavit, which shall be  
17 retained in accordance with RSA 33-A:3-a, or a sworn statement on the [~~general election day~~] voter  
18 registration form ***used starting 30 days before an election and on election day.***

19 (c) DOMICILE.

20 (1) ***Registering more than 30 days in advance of an election.***

21 (A) ***A person who possesses one of the following qualified documents***  
22 ***identifying the applicant's name and the address claimed as domicile must present that***  
23 ***document when applying for registration prior to election day: (i) New Hampshire***  
24 ***driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA***  
25 ***260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification***  
26 ***issued by the United States government that contains a current address; (iv) government***  
27 ***issued check, benefit statement, or tax document. A person who possesses such a***  
28 ***document, but failed to bring it with the person when seeking to register to vote shall be***  
29 ***required to return when he or she can present one of these documents or to bring the***  
30 ***document and register on election day.***

31 (B) ***A person who attests under penalty of voter fraud that he or she does***  
32 ***not possess any of the qualified documents listed in subparagraph (A) may present any***  
33 ***reasonable documentation [~~which indicates~~] of having established a physical presence at the***  
34 ***place claimed as domicile, having an intent to make that place his or her domicile, and***  
35 ***having taken a verifiable act to carry out that intent. The documentation must establish***  
36 ***that it is more likely than not that the applicant has a domicile and intends to maintain [a] that***  
37 ***domicile, as defined in this chapter, at least until election day in the town[~~-city,~~] or ward in***

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1 which he or she desires to vote~~[, or~~]. *Reasonable documentation may include, but is not*  
2 *limited to evidence of:*

3 (i) *Residency, as set forth in RSA 654:1, I-a, at an institution of*  
4 *learning at that place;*

5 (ii) *Renting or leasing an abode at that place for a period of more*  
6 *than 30 days, to include time directly prior to an election day;*

7 (iii) *Purchasing an abode at that place;*

8 (iv) *Enrolling the applicant's dependent minor child in a publicly*  
9 *funded elementary or secondary school which serves the town or ward of that place, using*  
10 *the address where the registrant resides;*

11 (v) *Listing that place as the person's physical residence address on*  
12 *state or federal tax forms, other government identification showing the address, or other*  
13 *government forms showing the address;*

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

17 (vii) *Obtaining public utility services for an indefinite period at that*  
18 *place; or*

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

21 *An applicant whose domicile is at an abode of another and whose name is not listed on the*  
22 *document offered as proof of domicile may provide a written statement from a person who*  
23 *is listed as owner, property manager, or tenant on the document that the applicant resides*  
24 *at that address, signed by that person under penalty of voting fraud if false information is*  
25 *provided.*

26 (2) *Registering within 30 days before an election and on election day.*

27 (A) *When registering within 30 days before an election or on election day*  
28 *as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the*  
29 *polls one of the qualified documents listed in subparagraph (1) or other reasonable*  
30 *documentation which establishes that it is more likely than not that the applicant has a*  
31 *domicile at the address claimed in the town or ward in which he or she desires to vote [if*  
32 ~~the applicant does not have reasonable documentation in his or her possession at the place and time~~  
33 ~~of voter registration], he or she may execute~~ a sworn statement on the ~~[general election day]~~ voter  
34 registration form~~[, or an affidavit]~~ *used starting 30 days before an election and on election*  
35 *day and initial the acknowledgment of domicile evidence obligation. If the applicant*  
36 *identifies on his or her application action taken to establish his or her domicile, which he*  
37 *or she has documentation of, he or she must agree to mail a copy of or present the*

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1 document in person to the city or town clerk within 10 days, or where the town clerk's  
2 office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in  
3 compliance with this subparagraph are exempt from the public disclosure required by  
4 RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a  
5 document presented in person and forward verification to the supervisors of the checklist.  
6 An applicant whose voter registration is approved based on an acknowledgment of a  
7 domicile evidence obligation who knowingly or purposely fails to provide a document to  
8 the city or town clerk as required by this paragraph shall be subject to the penalties of  
9 wrongful voting as established in RSA 659:34. The supervisors of the checklist shall  
10 initiate removing the name from the checklist of any such person who fails to provide  
11 proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

12 (B) A person registering within 30 days before an election or on election  
13 day who does not possess reasonable documentation of establishing domicile and has  
14 taken no verifiable action to carry out his or her intent to establish domicile at the  
15 address claimed on the voter registration application may nonetheless register to vote by  
16 initialing the paragraph on the registration form acknowledging that domicile may be  
17 verified. The supervisors of the checklist shall, as soon as practical following an election  
18 at which the person initials such paragraph to register and vote, attempt to verify that the  
19 person was domiciled at the address claimed on election day by means including, but not  
20 limited to:

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

24 (ii) Requesting 2 or more municipal officers or their agents or state  
25 election officers or their agents to visit the address and verify that the individual was  
26 domiciled there on election day. In unincorporated places that have not organized for the  
27 purposes of conducting elections, county officers may be asked to perform this function; or

28 (iii) Referring the registrant's information to the secretary of state,  
29 who shall cause such further investigation as is warranted.

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

34 ~~DOMICILE AFFIDAVIT~~

35 \_\_\_\_\_ Date: \_\_\_\_\_

36 Name: \_\_\_\_\_

37 Current Domicile Address: \_\_\_\_\_

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1 \_\_\_\_\_ Street Ward Number  
2 \_\_\_\_\_  
3 \_\_\_\_\_ Town or City Zip Code  
4 Current Mailing Address (if different): \_\_\_\_\_  
5 \_\_\_\_\_ Street Ward Number  
6 \_\_\_\_\_  
7 \_\_\_\_\_ Town or City Zip Code  
8 Telephone number (requested but optional) \_\_\_\_\_  
9 Email address (requested but optional) \_\_\_\_\_  
10 Date when current domicile was established: Month: \_\_\_\_\_ Year: \_\_\_\_\_  
11 Place and date of birth: \_\_\_\_\_  
12 Address of last previous domicile: \_\_\_\_\_  
13 \_\_\_\_\_ Street Ward Number  
14 \_\_\_\_\_  
15 \_\_\_\_\_ Town or City Zip Code

16 ~~— I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not~~  
17 ~~currently in possession of necessary documents to prove my domicile and that my established~~  
18 ~~domicile is at the current domicile address I have entered above. I understand that a person can~~  
19 ~~claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to~~  
20 ~~which upon temporary absence, a person has the intention of returning. By registering or voting~~  
21 ~~today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the~~  
22 ~~best of my knowledge and belief the information above is true and correct.~~

23 \_\_\_\_\_  
24 ~~— (Signature of applicant)~~

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

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

34 \_\_\_\_\_  
35 ~~— Notary Public/Justice of the Peace/Official Authorized by RSA 659:30]~~

36 205:6 Qualifications of Applicants. Amend the introductory paragraph of RSA 654:12, II(b) to  
37 read as follows:



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1           (b) Any one of the following is presumptive evidence of the identity of an applicant  
2 sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the  
3 oath of an applicant swearing to a qualified voter, domicile, or election day affidavit or a sworn  
4 statement on the [~~general election day~~] voter registration form ***used starting 30 days before an***  
5 ***election and on election day***:

6           205:7 Qualifications of Applicants. Amend RSA 654:12, III to read as follows:

7           III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration  
8 as a voter must prove his or her identity to establish that the evidence used to prove age,  
9 citizenship, and domicile relate to the applicant. A person who has in his or her immediate  
10 possession a photo identification approved for use by paragraph II must present that identification  
11 when applying for registration. A person who does not have an approved photo identification with  
12 him or her may establish identity through completion of the qualified voter affidavit, which shall be  
13 retained in accordance with RSA 33-A:3-a, or a sworn statement on the [~~general election day~~] voter  
14 registration form ***used starting 30 days before an election and on election day***. Residents of a  
15 nursing home or similar facility may prove their identity through verification of identity by the  
16 administrator of the facility or by his or her designee. For the purposes of this section, the  
17 application of a person whose identity has been verified by an official of a nursing home or similar  
18 facility shall be treated in the same manner as the application of a person who proved his or her  
19 identity with a photo identification.

20           205:8 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~~

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1 ~~or~~] a sworn statement on the [~~general election day~~] voter registration form ***used starting 30 days***  
2 ***before an election and on election day.***

3 205:9 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

4 (d) Within 90 days of each election, the secretary of state shall cause a list of persons  
5 executing [~~domicile affidavits and~~] sworn statements on the [~~general election day~~] voter registration  
6 form ***used starting 30 days before an election and on election day*** since the prior election to be  
7 forwarded to the attorney general and the division of motor vehicles. The secretary of state shall  
8 send a letter to each such person informing him or her of a driver's obligation to obtain a New  
9 Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall  
10 be mailed within 60 days after the election, except that if the election is a state primary election, the  
11 letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled  
12 municipal election, the letter shall be mailed by the July 1 or January 1 next following the election.  
13 The secretary of state shall mark the envelope with instructions to the United States Post Office not  
14 to forward the letter and to provide address correction information.

15 205:10 References Deleted. Amend RSA 654:31-a to read as follows:

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

35 205:11 Reference Deleted. Amend RSA 659:30 to read as follows:

36 659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified  
37 voter affidavit, [~~a voter domicile affidavit,~~] or any other affidavit required by the election statutes

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1 may be sworn before any person authorized by law to administer oaths or before any election officer.

2 205:12 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

3 (a) When registering to vote; when obtaining an official ballot; when casting a vote by  
4 official ballot; or when applying for a photo identification card for voting purposes, purposely or  
5 knowingly makes a false material statement regarding his or her qualifications as a voter to an  
6 election officer or submits a voter registration form, an election day registration affidavit, a  
7 qualified voter affidavit, [~~a domicile affidavit,~~] a challenged voter affidavit, an affidavit of religious  
8 exemption, an identification card voucher, or an absentee registration affidavit containing false  
9 material information regarding his or her qualifications as a voter;

10 205:13 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(f)-(g) to read as  
11 follows:

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

14 (g) Presents falsified proof of identity, *domicile, or verifiable action of domicile* at  
15 any election;

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

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

25 205:14 References Deleted. Amend RSA 659:101 to read as follows:

26 659:101 Preservation of Absentee Voting Materials[<sub>;</sub>] **and** Election Day Affidavits[~~—and~~  
27 ~~Domicile Affidavits~~]. The absentee ballot affidavits and application forms processed by the  
28 moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in  
29 RSA 659:51 and RSA 659:53, and the qualified voter affidavits [~~and domicile affidavits~~] as provided  
30 in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk,  
31 the supervisors of the checklist, or other election official shall be preserved in accordance with RSA  
32 33-A:3-a. Qualified voter[<sub>;</sub>] **and** voter registration[~~—and domicile~~] affidavits shall be retained for the  
33 period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled  
34 and all appeals have expired or one year after the election, whichever is longer.

35 205:15 Verifiable Action of Domicile Documents. Amend RSA 33-A:3-a, CXLI(f) to read as  
36 follows:

37 (f) [~~Domicile affidavit~~] *Verifiable action of domicile document*: until voter is

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- 1 removed from checklist plus 7 years.

205:16 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2017

Effective Date: September 08, 2017