

Rep. Dean-Bailey, Rock. 32
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03/04

Draft

Amendment to SB 3

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1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Voters; Temporary Absence or Presence. Amend RSA 654:2 to read as follows:
4 654:2 Temporary Absence *or Presence*.

5 **I.** A domicile for voting purposes acquired by any person in any town shall not be interrupted
6 or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile.
7 Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until
8 another such domicile is gained. Domicile for purposes of voting is a question of fact and intention
9 ***coupled with a verifiable act or acts carrying out that intent.*** A voter can have only one domicile
10 for [these] **voting** purposes. No person shall be deemed to have lost a domicile by reason of his or her
11 presence or absence while the voter or his or her spouse is employed in the service of the United States;
12 nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a
13 teacher in or student of any seminary of learning; nor while confined in any public prison or other
14 penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or
15 hospital, old folks or old age home, or like institution or private facility.

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

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

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

31 ***(d) For the purposes of voter registration,*** ~~***acts demonstrating under RSA 654:7,***~~
32 ***IV(c), an applicant shall demonstrate an intent to make a place*** ~~***an individual's his or her***~~

1 domicile by providing documentation showing that the applicant has a domicile at the
2 address provided on the voter registration form. Such documentation may include, but ~~are~~is
3 not limited to:

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

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

8 (3) PurchasingEvidence of purchasing an abode at that place;

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

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

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

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

21 (8) Obtaining a New Hampshire resident hunting or fishing license, listing
22 that place as his or her residence;

23 ~~—————~~ (9) ObtainingEvidence of obtaining public utility services for an indefinite
24 period at that place; or

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

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

35 III. An individual applying for registration as a voter 30 or fewer days before an election
36 shall use the election day registration form required by RSA 654:7, IV(c) which shall require
37 the applicant to provide the date he or she established his or her voting domicile in New

1 *Hampshire. The registration form shall require the voter to identify and provide evidence*
2 *of a verifiable action he or she has taken carrying out his or her intent to make the place*
3 *claimed on the voter registration form his or her domicile.*

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

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

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

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

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

31 *VI. ~~The~~Any case where supervisors are unable to verify the applicant's domicile or*
32 *where evidence exists of voting fraud shall be promptly ~~report~~reported to the secretary of*
33 *state, the name of any applicant who fails to mail or present evidence of a verifiable act and*
34 *to the clerk. ~~The~~attorney general, who shall cause such further investigation as is*
35 *warranted. After receiving confirmation from the secretary of state that an individual is*
36 *not domiciled at the address provided, the supervisors shall also initiate removal of the*
37 *person from the checklist by sending the person the notice required by RSA 654:44.*

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

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in subparagraph IV(b), unless the person is registering *within 30 days before an election* or at the polling place on ~~the date of a state general~~ election *day*. If an applicant is registering at the polling place on ~~the date of a state general~~ election *day* and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore be relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes.

IV.(a) Standard registration application forms shall be used throughout the state. The registration 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 *used within 30 days of an election or* at the polling place on ~~the date of a state general~~ election *day*, 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

(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

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1 Town or City Zip Code
2 4. Place and Date of Birth _____
3 Town or City State
4 Date _____
5 5. Are you a citizen of the United States? Yes ____ No ____
6 If a naturalized citizen, give name of court where and date when naturalized
7 _____
8 6. Place last registered to vote _____
9 Street Ward Number
10 ***I am not currently registered to vote elsewhere (initial here _____), or I request that my***
11 ***name be removed as a registered voter in _____ (fill in your address***
12 ***where previously registered, street, city/town, state, and zip code)***
13 7. Name under which previously registered, if different from above
14 _____
15 8. Party Affiliation (if any) _____
16 9. Driver's License Number _____ State _____
17 If you do not have a valid driver's license, provide the last four digits of your social security number
18 _____
19 My name is _____. I am today registering to vote in the city/town of
20 _____, New Hampshire. If a city, ward number _____.
21 I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United
22 States citizen, and I must be domiciled in this ward/town.
23 I understand that a person can claim only one state and one city/town as his or her domicile at a
24 time. A domicile is that place, to which upon temporary absence, a person has the intention of
25 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any
26 other state or any other city/town.
27 In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state
28 or federal elections in another state.
29 If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a
30 supervisor of the checklist is available to address my questions or concerns.
31 I acknowledge that I have read and understand the above qualifications for voting and do hereby
32 swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-
33 stated city/town, and, if registering on election day, that I have not voted and will not vote at any other
34 polling place this election.
35 _____
36 Date Signature of Applicant

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

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

9 NEW REGISTRATION I am not registered to vote in New Hampshire

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

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

14 Date **registration form is submitted** _____

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

16 VOTER REGISTRATION FORM

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

18 ~~THE DATE OF THE STATE GENERAL~~ ELECTION **DAY**

19 (Please print or type)

20 1. Name _____

21 Last _____ (suffix) _____ First Full Middle Name

22 2. Domicile Address _____

23 Street Ward Number

24 _____
25 Town or City Zip Code

26 3. Mailing Address if different than in 2 _____

27 Street

28 _____
29 Town or City Zip Code

30 4. Place and Date of Birth _____

31 Town or City State

32 Date _____

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

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

35 _____
36 6. Place last registered to vote _____

37 Street Ward Number

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

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

5 _____

6 8. Party Affiliation (if any) _____

7 9. Driver's License Number _____ State _____

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

9 _____

10 My name is _____. I am today registering to vote in the city/town of
11 _____, New Hampshire. If a city, ward number _____.

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

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

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

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

22 *I understand that to make the address I have entered above my domicile for voting I must*
23 *have an intent to make this the one place from which I participate in democratic self-*
24 *government and must have acted to carry out that intent. ~~While a person need not have~~*
25 *~~taken any particular verifiable action listed below to register to vote, a person must report~~*
26 *~~and provide evidence of an action if the person has taken one.~~*

27 *~~I understand that if I must present have documentary evidence of my actions carrying~~*
28 *~~out my intent to be domiciled at this address when registering to vote. ~~If I do not have such~~~~*
29 *~~a document when registering within 30 days before the election must either present it at the~~*
30 *~~time of registration or on election day, I understand I must place my initials next to the~~*
31 *~~following paragraph and mail a copy or present the document at the town or city clerk's~~*
32 *~~office within 10 days following the election (30 days in towns where the clerk's office is open~~*
33 *~~fewer than 20 hours weekly).~~*

34 _____ *By placing my initials next to this paragraph, I am acknowledging that I have not*
35 *presented evidence of actions carrying out my intent to be domiciled at this address, that I*
36 *understand that I must mail or personally present to the clerk's office evidence of actions*
37 *carrying out my intent within 10 days following the election (or 30 days in towns where the*

1 clerk's office is open fewer than 20 hours weekly), and that I have received the document
2 produced by the secretary of state that describes the items that may be used as evidence of a
3 verifiable action that establishes domicile.

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

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

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

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

18 _____
19 Date Signature of Applicant

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

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

24 Identity yes/no _____
25 (initials)
26 Citizenship yes/no _____
27 (initials)
28 Age yes/no _____
29 (initials)
30 ~~[Domicile~~ yes/no _____
31 (initials)

32 _____
33 Applicant Election Official

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

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

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1 sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently
2 registering to vote or voting is subject to a civil penalty not to exceed \$5,000. *In accordance with*
3 *RSA 659:34-a voting in more than one state in the same election is a class B felony with a*
4 *maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.*

5 *V. The secretary of state shall prepare and distribute an addendum to the voter*
6 *registration form used under subparagraph IV(c) to be distributed to those registrants who*
7 *register within 30 days before the election ~~and/or~~ on election day and who do not provide*
8 *proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of*
9 *domicile" document shall provide notice of the requirements that registrants must furnish*
10 *documentary evidence of domicile and shall be in substantially the following form:*

11 *Verifiable Action of Domicile*

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

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

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

20 *___ established residency, as set forth in RSA 654:1, I-a, at an institution of ~~higher~~*
21 *learning at the address on the voter registration form;*

22 *___ rented or leased an abode, for a period of more than 30 days, to include time directly*
23 *prior to an election day, ~~or purchased an abode~~ at the address listed on the voter registration*
24 *form*

25 *___ purchased an abode at the address listed on the voter registration form*

26 *___ obtained a New Hampshire resident motor vehicle registration, driver's license, or*
27 *~~official nondriver's picture~~ identification card issued under RSA 260:21, RSA 260:21-a, or*
28 *RSA 260:21-b listing the address on the voter registration form*

29 *___ enrolled a dependent minor child in a publicly funded elementary or secondary*
30 *school which serves the town or ward of the address where the registrant resides, as listed*
31 *on the voter registration form*

32 *Listed/Identified the address on the voter registration form as your physical residence*
33 *address on:*

34 *___ state or federal tax forms*

35 *___ other government-issued forms or identification, ~~describe,~~ Describe form of*
36 *identification: _____*

1 ___ provided the address on the voter registration form to the United States Post Office
2 as your permanent address, provided it is not a postal service or commercial post office box,
3 where mail is delivered to your home. This can be by listing the address on the voter
4 registration form as your new address on a Postal Service permanent change of address form
5 and providing a copy of the receipt, or an online emailed receipt

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

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

10 _____

11 ___ arranged for a homeless shelter or similar service provider to receive United States
12 mail on your behalf. Enter name of the shelter or provider: _____

13 ___ describe what other verifiable action or actions you have taken to make the address
14 listed on your voter registration form your one voting domicile: _____

15 _____

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

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

27 Name _____

28 Last _____ (suffix) _____ First Full Middle Name

29 Domicile Address _____

30 Street Ward Number

31 _____
32 Town or City Zip Code

33 _____
34 Date Signature of Applicant

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

1 _____
2 *Date* *Signature of Clerk*
3 *The clerk shall forward the completed form and attachment or attachments to the*
4 *supervisors of the checklist as soon as possible, but not later than their next meeting. The*
5 *supervisors of the checklist shall attach the form and attachments to the voter registration*
6 *form.*

7 3 Election Day Registration. Amend RSA 654:7-a, I to read as follows:
8 I. The provisions of this section and those of RSA 654:7-b shall be used as an additional
9 procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election
10 day" shall refer to state primary and to state general elections, to all town, city, school district, and
11 village district elections, and to all official ballot meetings where persons may vote by absentee ballot.
12 A person who registers to vote on election day according to the provisions of this section shall also be
13 required to complete the voter registration form provided for in RSA 654:7, *IV(c)*. The provisions of
14 this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the
15 contrary.

16 4 Effect of Registration on Election Day. Amend RSA 654:7-b to read as follows:
17 654:7-b Effect of Registration on Election Day. Any person who registers to vote on election day
18 according to the provisions of RSA 654:7-a shall be registered to vote at all subsequent town, *city,*
19 *school district, village district,* state, and federal elections *unless the person's name is removed*
20 *from the checklist in accordance with the provisions of this chapter.*

21 5 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:
22 (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept
23 from the applicant any one of the following as proof of citizenship: the applicant's birth certificate,
24 passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, a
25 sworn statement on the [~~general election day~~] voter registration form *used starting 30 days before*
26 *an election and on election day,* or any other reasonable documentation which indicates the
27 applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and
28 shall be retained in accordance with RSA 33-A:3-a:

29 Date: _____
30 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)
31 Name: _____
32 Name at birth if different: _____
33 Place of birth: _____
34 Date of birth: _____
35 Date and Place of Naturalization: _____
36 Domicile Address: _____
37 Mailing Address (if different): _____

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1 Telephone number (requested but optional) _____

2 Email address (requested but optional) _____

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

9 _____

10 (Signature of applicant)

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

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

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

21 Identity

22 Citizenship

23 Age

24 _____

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

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

31 (c) DOMICILE.

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

33 ***(A) A person who possesses one of the following qualified documents***
34 ***listing identifying the applicant's name and the address claimed as domicile must present***
35 ***that document when applying for registration prior to election day: (i) New Hampshire***
36 ***driver's license or ~~picture~~ identification card issued under RSA 260:21, RSA 260:21-a, or RSA***
37 ***260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification***

1 issued by the United States government that contains a current address; (iv) government
2 issued check, benefit statement, or tax document. A person who possesses such a document,
3 but failed to bring it with the person when seeking to register to vote shall be required to
4 return when he or she can present one of these documents or to bring the document and
5 register on election day.

6 (B) A person who attests under penalty of voter fraud that he or she does
7 not possess any of the qualified documents listed in subparagraph (A) may present any
8 reasonable documentation ~~[which indicates]~~ of having established a physical presence at the
9 place claimed as domicile, having an intent to make that place his or her domicile, and
10 having taken a verifiable act to carry out that intent. The documentation must establish
11 that it is more likely than not that the applicant has a domicile and intends to maintain [a] that
12 domicile, as defined in this chapter, at least until election day in the town~~[-city,-]~~ or ward in which
13 he or she desires to vote~~[-or,-]~~. Reasonable documentation may include, but is not limited to
14 evidence of:

15 (i) Residency, as set forth in RSA 654:1, I-a, at an institution of ~~higher~~
16 learning at that place;

17 (ii) Renting or leasing an abode at that place for a period of more than
18 30 days, to include time directly prior to an election day;

19 (iii) ~~Evidence of purchasing~~Purchasing an abode at that place;

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

23 (v) Listing that place as the person's physical residence address on
24 state or federal tax forms, other government identification showing the address, or other
25 government forms showing the address;

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

29 (vii) Obtaining ~~a New Hampshire resident hunting or fishing license~~
30 ~~listing that place as residence;~~public utility services for an indefinite period at that place;
31 or

32 ~~_____ (viii) Obtaining utility services for an indefinite period at that place;~~
33 or

34 ~~_____ (ix) _____ (viii) Arranging for a~~
35 homeless shelter or similar service provider located in the town or ward to receive United
36 States mail on behalf of the individual.

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

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

8 (A) When registering within 30 days before an election or on election day
9 as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls
10 one of the qualified documents listed in subparagraph (1) or other reasonable
11 documentation which establishes that it is more likely than not that the applicant has a
12 domicile at the address claimed in the town or ward in which he or she desires to vote ~~if the~~
13 ~~applicant does not have reasonable documentation in his or her possession at the place and time of~~
14 ~~voter registration], he or she may execute a sworn statement on the [general election day] voter~~
15 ~~registration form [or an affidavit] used starting 30 days before an election and on election day~~
16 ~~and initial the acknowledgment of domicile evidence obligation. If the applicant identifies~~
17 ~~on his or her application action taken to establish his or her domicile, which he or she has~~
18 ~~documentation of, he or she must agree to mail a copy of or present the document in person~~
19 ~~to the city or town clerk within 10 days, or where the town clerk's office is open fewer than~~
20 ~~20 hours weekly, within 30 days. Copies of documents provided in compliance with this~~
21 ~~subparagraph are exempt from the public disclosure required by RSA 91-A. The clerk shall~~
22 ~~document receipt of a copy or completion of verification of a document presented in person~~
23 ~~and forward verification to the supervisors of the checklist. An applicant whose voter~~
24 ~~registration is approved based on an acknowledgment ~~on the verifiable action of of a~~~~
25 ~~domicile ~~for~~evidence obligation who knowingly or purposely fails to provide a document~~
26 ~~to the city or town clerk as required by this paragraph shall be subject to the penalties of~~
27 ~~wrongful voting as established in RSA 659:34. The supervisors of the checklist shall initiate~~
28 ~~removing the name from the checklist of any such person who fails to provide proof of~~
29 ~~domicile by the deadline by sending the person the notice required by RSA 654:44.~~

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

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

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

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

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

15 ~~DOMICILE AFFIDAVIT~~

16 _____ Date: _____

17 Name: _____

18 Current Domicile Address: _____

19 _____ Street Ward Number

20 _____

21 _____ Town or City Zip Code

22 Current Mailing Address (if different): _____

23 _____ Street Ward Number

24 _____

25 _____ Town or City Zip Code

26 Telephone number (requested but optional) _____

27 Email address (requested but optional) _____

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

29 Place and date of birth: _____

30 Address of last previous domicile: _____

31 _____ Street Ward Number

32 _____

33 _____ Town or City Zip Code

34 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not
35 currently in possession of necessary documents to prove my domicile and that my established domicile
36 is at the current domicile address I have entered above. I understand that a person can claim only
37 one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon

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1 ~~temporary absence, a person has the intention of returning. By registering or voting today, I am~~
2 ~~acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my~~
3 ~~knowledge and belief the information above is true and correct.~~

4 _____
5 ~~—(Signature of applicant)~~

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

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

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

17 6 Qualifications of Applicants. Amend the introductory paragraph of RSA 654:12, II(b) to read as
18 follows:

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

24 7 Qualifications of Applicants. Amend RSA 654:12, III to read as follows:

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

37 8 Determining Qualifications of Applicant. Amend RSA 654:12, V(a) to read as follows:

1 V.(a) The election official approving the application for registration as voter of a person who
2 does not present an approved form of photo identification as proof of identity when registering, shall
3 mark the voter registration form to indicate that no photo identification was presented and shall
4 inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she
5 will receive a letter of identity verification. The person entering the voter information into the
6 centralized voter registration database shall determine if the person is listed in the system as having
7 been previously registered in the town or ward reported by the applicant on the voter registration
8 form. If the person is a new registrant who has not been previously registered anywhere in New
9 Hampshire or if the centralized voter registration database does not confirm a previous registration
10 claimed on the voter registration form, the election official shall cause the record created in the
11 centralized voter registration database to indicate that the person is a new applicant in New
12 Hampshire and that no photo identification was presented. When municipalities enter information
13 on people who register on election day into the centralized voter registration database, to the extent
14 practical applicants who are registering for the first time in New Hampshire and who also register
15 without presenting an approved photo identification shall be entered first. The person entering the
16 voter information of election day residents into the centralized voter registration database shall cause
17 the records to indicate if the voter executed ~~[a domicile affidavit or]~~ a sworn statement on the ~~[general~~
18 ~~election day]~~ voter registration form **used starting 30 days before an election and on election**
19 **day.**

20 9 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

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

32 10 References Deleted. Amend RSA 654:31-a to read as follows:

33 654:31-a Right to Know Exemption. The information contained on the checklist of a town or city,
34 specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of
35 registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A.
36 All other information on the voter registration form, absentee registration affidavit, qualified voter
37 ~~[and domicile]~~ affidavits, affidavit of religious exemption, and application for absentee ballot shall be

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1 treated as confidential information and the records containing this information shall be exempt from
2 the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A.
3 Notwithstanding the foregoing, qualified voter [~~and domicile~~] affidavits are public records subject to
4 RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging
5 ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or
6 determining the accuracy of any qualified voter [~~or domicile~~] affidavit. Election officials and law
7 enforcement personnel in furtherance of their official duties may access and may disclose information
8 from the voter registration form, qualified voter [~~and domicile~~] affidavits, affidavits of religious
9 exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to
10 resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or
11 prosecute election law violations or any crime. Law enforcement access and use of such records for the
12 investigation or prosecution of crimes unrelated to election law violations shall be limited to the
13 records of the specific individuals who are the subject of the investigation or prosecution.

14 11 Reference Deleted. Amend RSA 659:30 to read as follows:

15 659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified
16 voter affidavit, [~~a voter domicile affidavit,~~] or any other affidavit required by the election statutes may
17 be sworn before any person authorized by law to administer oaths or before any election officer.

18 12 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

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

26 13 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(f)-(g) to read as follows:

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

29 (g) Presents falsified proof of identity, domicile, or verifiable action of domicile at any
30 election;

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

36 (i) ***Purposely and knowingly provides false information in a written and signed***
37 ***statement or other documentation that another person is domiciled at an address that is***

1 *owned, leased, rented, or managed by the individual providing the statement for the*
2 *purposes of voter registration and that statement is used for voter registration purposes.*

3 14 References Deleted. Amend RSA 659:101 to read as follows:

4 659:101 Preservation of Absentee Voting Materials[~~]~~ *and* Election Day Affidavits[~~and Domicile~~
5 ~~Affidavits~~]. The absentee ballot affidavits and application forms processed by the moderator as
6 provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and
7 RSA 659:53, and the qualified voter affidavits [~~and domicile affidavits~~] as provided in RSA 654:12 and
8 any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the
9 checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified
10 voter[~~]~~ *and* voter registration[~~and domicile~~] affidavits shall be retained for the period set forth in
11 RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have
12 expired or one year after the election, whichever is longer.

13 15 Verifiable Action of Domicile Documents. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

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

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