

Bill as Introduced

HB 1574-FN - AS INTRODUCED

2010 SESSION

10-2452
03/05

HOUSE BILL ***1574-FN***

AN ACT relative to retention of election records.

SPONSORS: Rep. Drisko, Hills 5; Rep. Perry, Straf 3

COMMITTEE: Election Law

ANALYSIS

This bill makes various changes relative to retention of election records.

This bill was requested by the department of state.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to retention of election records.

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

1 1 Disposition and Retention Schedule. Amend RSA 33-A:3-a, XXXVI-XXXVIII to read as
2 follows:

3 XXXVI. Elections-federal elections: ballots ***and absentee ballot applications, affidavit***
4 ***envelopes, and lists: by the town clerk until the contest is settled and all appeals have***
5 ***expired or at least 22 months after the election, whichever is longer.***

6 XXXVII. Elections-not federal[~~all other~~]: ballots ***and absentee ballot applications,***
7 ***affidavit envelopes, and lists: by the town clerk until the contest is settled and all appeals***
8 ***have expired or at least 60 days after the election, whichever is longer.***

9 XXXVIII. Elections-challenge affidavits ***by the town clerk:***

10 (a) ***Federal elections: until the contest is settled and all appeals have expired***
11 ***or [one-year] 22 months after the election, whichever is longer.***

12 (b) ***Non-federal elections: until the contest is settled and all appeals have***
13 ***expired or 60 days after the election, whichever is longer.***

14 2 Disposition and Retention Schedule. Amend RSA 33-A:3-a, CXLI to read as follows:

15 CXLI. Voter registration:

16 (a) [~~Purged record cards~~] ***Forms, including absentee voter registration forms: until***
17 ***voter is removed from checklist plus 5 years.***

18 (b) Same day, returned to undeclared status, ***form and report from statewide***
19 ***centralized voter registration database: 5 years.***

20 (c) ***Party change form: until voter is removed from checklist plus 5 years.***

21 (d) ***Forms, rejected, including absentee voter registration forms, and denial***
22 ***notifications: 5 years.***

23 (e) ***Qualified voter affidavit: until voter is removed from checklist plus 5 years.***

24 (f) ***Domicile affidavit: until voter is removed from checklist plus 5 years.***

25 (g) ***Overseas absentee registration affidavit: until voter is removed from***
26 ***checklist plus 5 years.***

27 (h) ***Absentee ballot voter application form in the federal post card application***
28 ***format, for voters not previously on the checklist: until voter is removed from checklist plus***
29 ***5 years.***

30 (i) ***Absentee ballot affidavit envelope for federal post card applicants not***
31 ***previously on the checklist: until voter is removed from checklist plus 5 years.***

1 (j) Notice of removal, 30-day notice: until voter is removed from checklist plus 5
2 years.

3 (k) Report of death: until voter is removed from checklist plus 5 years.

4 (l) Report of transfer: until voter is removed from checklist plus 5 years.

5 (m) Undeliverable mail or change of address notice from the United States
6 Postal Service: until voter is removed from checklist plus 5 years.

7 3 New Paragraph; Disposition and Retention Schedule. Amend RSA 33-A:3-a by inserting after
8 paragraph CLIV the following new paragraph:

9 CLV. Election return forms, all elections: permanently.

10 4 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

11 (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall
12 accept from the applicant any one of the following as proof of citizenship: the applicant's birth
13 certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter
14 affidavit, or any other reasonable documentation which indicates the applicant is a United States
15 citizen. The qualified voter affidavit shall be in the following form, **and shall be retained in**
16 **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 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am the
25 identical person whom I represent myself to be, that I am a duly qualified voter of this town (or
26 ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at
27 the next election, and that to the best of my knowledge and belief the information above is true and
28 correct.

29 _____
30 (Signature of applicant)

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

35 On the date shown above, before me, _____ (print name of notary public, justice of
36 the peace, election officer), appeared _____ (print name of person whose signature is
37 being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name

1 appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the
2 facts contained in this affidavit are true to the best of his or her knowledge and belief.

3 _____
4 Notary Public/Justice of the Peace/
5 Official Authorized by RSA 659:30

6 (b) AGE. Any reasonable documentation indicating the applicant [is] *will be* 18 years of
7 age or older *at the next election*, or, if the applicant does not have reasonable documentation in his
8 or her possession at the place and time of voter registration, a qualified voter affidavit, *which shall*
9 *be retained in accordance with RSA 33-A:3-a.*

10 (c) DOMICILE. Any reasonable documentation which indicates that the applicant has a
11 domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in
12 which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or
13 her possession at the place and time of voter registration, an affidavit in the following form, *which*
14 *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 Date when current domicile was established: Month: _____ Year: _____

23 Place and date of birth: _____

24 Address of last previous domicile: _____

25 Street Ward Number

26 _____
27 Town or City Zip Code

28 I hereby swear and affirm, under the penalties for voting fraud set forth below, that my established
29 domicile is at the current domicile address I have entered above. I understand that I can claim only
30 one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep
31 most nights of the year, or to which I intend to return after a temporary absence. By registering or
32 voting today, I acknowledge that I am not registering to vote or voting in any other city/town, and
33 that to the best of my knowledge and belief the information above is true and correct.

34 _____
35 (Signature of applicant)

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

1 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
2 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 of
4 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 the
7 facts contained in this affidavit are true to the best of his or her knowledge and belief.

8 _____
9 Notary Public/Justice of the Peace/
10 Official Authorized by RSA 659:30

11 5 Determining Qualifications of Applicant. Amend RSA 654:12, III to read as follows:

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

26 6 Actions by Supervisors. Amend RSA 654:13 to read as follows:

27 I. If the supervisors decide to add the name of the applicant to the checklist, then they shall
28 retain the original of the registration form for their own file, **which shall be retained in**
29 **accordance with RSA 33-A:3-a**, forward one copy to the supervisors of the checklist of the city or
30 town of the applicant's last voting address if said address is in the state of ~~[New Hampshire,]~~
31 Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, and send another copy to the clerk of
32 their town or city. **Upon entry of the voter record in the statewide centralized voter**
33 **registration database, the supervisors of the checklist in another New Hampshire city or**
34 **town will receive notice through the statewide centralized voter registration database that**
35 **the voter has moved.**

36 II. If the supervisors decide not to add the name of the applicant to the checklist, they shall
37 send notification in writing to the applicant within 7 days stating the reason for the denial. They

1 shall write the word "REJECTED" and the date of rejection across the registration form. They shall
2 retain the original [~~in a separate file for proof that such an application was made~~] **registration**
3 **form and a copy of the denial notification in accordance with RSA 33-A:3-a.**

4 7 Overseas Citizen Voting; Effect. Amend RSA 654:23 to read as follows:

5 654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the applicant
6 does not qualify as an overseas voter in the city or town as provided in RSA 654:3, domiciled outside
7 the United States, they shall, at their next session for the correction of the checklist subsequent to
8 their receipt of such affidavit properly executed, cause his or her name to be added to the checklist
9 together with a mark or sign clearly indicating that the application has been entered on the checklist
10 for the purpose of voting in federal elections only. Thereafter, such person shall be entitled to vote
11 by overseas citizens absentee ballot at both federal primary and general elections. **The supervisors**
12 **shall retain the registration form in accordance with RSA 33-A:3-a and forward a copy of**
13 **the form to the clerk.** If the supervisors decide not to add the name of the applicant to the
14 checklist, they shall send notification to the applicant in writing within 7 days stating the reason for
15 that denial. **The supervisors of the checklist shall write the word "REJECTED" and the date**
16 **of rejection across the registration form. They shall retain the registration form and a**
17 **copy of the denial notification in accordance with RSA 33-A:3-a.**

18 8 Change of Registration. Amend RSA 654:34, V to read as follows:

19 V.(a) At any primary, the supervisors of the checklist shall make available within the polling
20 place a card to enable a voter who was registered as an undeclared voter but who changed
21 registration on the day of the primary in order to vote as a registered member of a party to change
22 registration so that the voter is registered once again as an undeclared voter. The card shall be in
23 substantially the following form:

24 Name _____

25 (Print)

26 Address _____

27 _____

28 _____

29 I hereby request that my political party registration be changed as follows:

30 From: Democrat [] or Republican [] [~~or Libertarian []~~]

31 To: Undeclared []

32 Signed under the pains and penalties of perjury.

33 _____

34 (b) The supervisors of the checklist, upon receipt of such a card, shall keep it ~~until~~ **in**
35 **accordance with RSA 33-A:3-a and at** their next session of supervisors of the checklist ~~for~~
36 ~~changing party registration at which time the sender's party registration~~ shall ~~be changed~~ **change**
37 **the party of the voter** as indicated on the card.

1 9 Changes of Registration. Amend RSA 654:34-a, VII to read as follows:

2 VII. The town or city clerk shall present to the next meeting of the supervisors of the
3 checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any
4 person who made application to him *or her* for a change of party affiliation and the name of the
5 party with which [he] *the person* desires to be affiliated or that he *or she* desires to be affiliated
6 with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to
7 be changed on the checklist. Any change submitted which is prohibited by the provisions of
8 RSA 654:34, IV shall be [retained] *kept* by the supervisors *until acted upon*; and the change
9 shall be made as soon as permitted by law. *Forms shall be retained in accordance with RSA*
10 *33-A:3-a.*

11 10 Reports of Transfer. Amend RSA 654:36 to read as follows:

12 654:36 Reports of Transfer. If the supervisors of the checklist have received a notice of transfer
13 from *any other state or from* another board of supervisors of the checklist in the state of New
14 Hampshire *through the statewide centralized voter registration database* that a voter whose
15 name is on the checklist has been added to the checklist of some other town or city, they shall strike
16 that name from the checklist at the next session for the correction of the checklist. They shall retain
17 the notice *in accordance with RSA 33-A:3-a* as proof of their reasoning in striking the name from
18 the checklist.

19 11 Request to Correct Checklist. Amend RSA 654:36-a, II to read as follows:

20 II. If the supervisors of the checklist determine that it is more likely than not that the
21 person's qualifications are in doubt, they shall send a notice to the person and afford the person at
22 least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day
23 notice or responds but fails to provide proof that establishes that it is more likely than not that the
24 person is qualified to vote in the town or ward, the person's name shall be removed from the
25 checklist. *The supervisors of the checklist shall retain a copy of the notice in accordance*
26 *with RSA 33-A:3-a.*

27 12 Reports of Change of Address. Amend RSA 654:36-b to read as follows:

28 654:36-b Reports of Change of Address. If the supervisors of the checklist receive a report from
29 the United States Postal Service or the department of safety directly or as communicated by the
30 secretary of state through the centralized voter registration database that a voter has permanently
31 changed his or her address to another town, city, or state, they shall strike that name from the
32 checklist at the next session for the correction of the checklist. *The supervisors of the checklist*
33 *shall retain the report in accordance with RSA 33-A:3-a.* As an alternative, the supervisors of
34 the checklist may first send a 30-day notice letter and then shall remove the name from the checklist
35 if the voter does not respond to that notice *as set forth in RSA 654:44.*

36 13 Reports of Death. Amend RSA 654:37 to read as follows:

1 654:37 Reports of Death. Whenever there is filed in ~~his~~ *the* office *of the clerk* an official
 2 notice of the death of any person or persons of the age of 18 years or over, the town or city clerk shall
 3 notify the supervisors of the checklist of said deaths by submitting a notice of same to the
 4 supervisors at their next regular meeting. Upon receipt of such notice, the supervisors shall examine
 5 the checklist; and, if the name of said deceased person appears thereon, it shall be removed ~~[prior to~~
 6 ~~the next election]~~. ***The notice shall be retained in accordance with RSA 33-A:3-a.*** Any
 7 supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist
 8 after receiving such notice from the town or city clerk shall be guilty of a violation.

9 14 Removing Names from Checklist. Amend RSA 654:44, I to read as follows:

10 I. The supervisors shall remove no person's name from the checklist of their town or ward
 11 unless they shall send notice by mail to the last known address of the person whose name they wish
 12 to remove from the checklist stating the reason they are considering removing such person's name
 13 from the checklist. Such notice shall also state the time and the place at which the supervisors shall
 14 meet to consider the removal of that person's name and shall give the date of such meeting which
 15 shall be at least 30 days after they send such notice. At such meeting, the person whose name the
 16 supervisors wish to remove shall have a chance as he *or she* wishes to state in person or to present
 17 in writing personally, or by mail or other messenger, or by any such combination of these as ~~he~~ *the*
 18 *person* chooses, the reasons why his *or her* name should be left on the checklist. The supervisors
 19 shall not remove a person's name from the checklist until after the completion of the written or oral
 20 statement, if any, of the person whose name they wish to remove from the checklist at the meeting
 21 held at least 30 days after they sent the notice this section requires. The supervisors shall ~~[keep~~
 22 ~~records as proof of compliance with this paragraph]~~ ***retain a copy of the notice in accordance***
 23 ***with RSA 33-A:3-a.***

24 15 Refusal to Certify; Procedure. Amend RSA 657:16 to read as follows:

25 657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or
 26 city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk
 27 shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted
 28 unless the applicant submits the documents necessary to complete an absentee registration. The
 29 applicant shall be advised in writing what documents, if any, have been received in proper form and
 30 which the applicant must submit in the return envelope that contains the absentee ballot affidavit
 31 envelope. The town or city clerk shall mark the exterior of the absentee ballot affidavit envelope
 32 with the words "Not Registered." If the applicant returns the required documents in proper form
 33 with the absentee ballot and if the applicant is found to be qualified, ~~he or she~~ *the town or city*
 34 *clerk shall forward the registration forms to the supervisors of the checklist and the*
 35 *applicant* shall be registered and his or her absentee ballot shall be processed in the same manner
 36 as the absentee ballot of a previously registered voter. If the ballot is returned without the required
 37 documents in proper form, the ballot shall be marked ~~[and preserved]~~ in the manner set ~~[for]~~ forth by

1 law for successfully challenged absentee ballots *and preserved in accordance with RSA 33-A:3-a*.
2 The clerk shall preserve the application of any applicant who is not registered as a voter until the
3 time set by law for the destruction of the ballots after the election at which time the application shall
4 be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or
5 she may order to require that the name of the person making application for an absentee ballot be
6 placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

7 16 Registration of Voters. Amend RSA 657:21 to read as follows:

8 657:21 Registration of Voters. Upon receipt of a return envelope containing an armed services
9 or overseas citizen federal election absentee ballot, the clerk of the city or town shall open and retain
10 said envelope and deliver the affidavit envelope to the supervisors of the checklist of the voting place
11 indicated thereon. If the voter is not registered, the appropriate affidavit appearing on said
12 envelope, if properly executed, shall be prima facie evidence of the voter's qualifications to become a
13 voter and his *or her* name shall be added to the checklist *at the next session of the supervisors of*
14 *the checklist*. The supervisors of the checklist shall ~~then~~ *retain a copy of the affidavit*
15 *envelope and absentee ballot request form in accordance with RSA 33-A:3-a and* return the
16 affidavit envelopes unopened to the city or town clerk who shall see that they agree in number with
17 the mailing envelopes. Said clerk shall attach the application for an armed services or overseas
18 citizen federal election absentee ballot submitted by said voter to the 2 corresponding envelopes and
19 retain them until election day.

20 17 Affidavits Preserved. Amend RSA 659:33 to read as follows:

21 659:33 Affidavits Preserved. The town clerk shall preserve all affidavits of challenged voters as
22 provided in RSA ~~[659:103]~~ *33-A:3-a*.

23 18 Forwarding; Retaining Copies of Return. Amend RSA 659:75 to read as follows:

24 659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be
25 forwarded by the town or ward clerk to the secretary of state no later than the Monday following a
26 state election unless the secretary of state orders them sooner. The other shall be kept by the town
27 or city clerk *in accordance with RSA 33-A:3-a* and shall be open to public inspection at reasonable
28 times. If an official state election return is sealed along with the ballots, the clerk having custody of
29 the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election
30 official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed
31 and the election return shall be delivered to the secretary of state by the election official.

32 19 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

33 I. Immediately after the ballots cast at a state election have been tabulated and the result
34 has been announced and the return has been made, the moderator or the moderator's designee, in
35 the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots,
36 including such ballots from any additional polling places, and further including the successfully
37 challenged *and rejected* absentee ballots still contained in their envelopes, in the containers

1 provided by the secretary of state as required by RSA 659:97 and shall seal such container with the
 2 sealer provided by the secretary of state as required by RSA 659:97. The moderator or the
 3 moderator's designee shall then enter in the appropriate blanks on such sealer on each container the
 4 number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate
 5 place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state
 6 election in the town of _____ (or in ward _____ in the city of _____)
 7 held on _____, 20____, required by law to be preserved *in accordance with RSA 33-A:3-a. The*
 8 *moderator shall identify on each sealer what number the container is and the total*
 9 *number of ballot containers from that town or ward as follows: Box ___ of ___.* The
 10 moderator and the selectmen or their designee shall sign their names in the appropriate blanks on
 11 the sealer.

12 II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged *and*
 13 *rejected* absentee ballots still contained in their envelopes, prepared or preserved in accordance
 14 with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply
 15 to any ballots or absentee voter affidavit envelopes prepared for or used in any election conducted by
 16 the state or any political subdivision, including federal elections.

17 20 Delivery of Ballots to Town Clerk. Amend RSA 659:98 to read as follows:

18 659:98 Delivery of Ballots to Town Clerk. The moderator, or ~~[his]~~ *the moderator's* designee,
 19 and the selectmen, or their designee, after they have sealed and certified the state election ballots as
 20 provided in RSA 659:95 and ~~[96]~~ *RSA 659:96*, shall deliver the sealed containers to the town or city
 21 clerk, or to ~~[his]~~ *the clerk's* designee, who shall in their presence enter in the appropriate place on
 22 each sealer the time of day and shall sign his *or her* name in the appropriate blank on the sealer.
 23 The clerk or ~~[his]~~ *the clerk's* designee shall, without breaking the seals or otherwise changing the
 24 condition of the containers, deposit the containers in the town or city hall, where the ballots shall be
 25 kept for a period ~~[of 60 days]~~ *set forth in RSA 33-A:3-a.*

26 21 Destruction of Ballots. Amend RSA 659:100 to read as follows:

27 659:100 Destruction of Ballots. All state election ballots remaining in the possession of the town
 28 or city clerk may be destroyed ~~[at the expiration of 60 days after a state election]~~ *in accordance*
 29 *with RSA 33-A:3-a.*

30 22 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

31 659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile
 32 Affidavits. The affidavit envelopes and application forms processed by the moderator as provided in
 33 RSA 659:50, *the absentee ballots challenged and rejected as provided in RSA 659:51 and*
 34 *RSA 659:53*, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and
 35 any other documentary proof of qualifications retained by the town or city clerk, the supervisors of
 36 the checklist, or other election official ~~[may]~~ *shall* be preserved in ~~[the same manner that ballots are~~
 37 ~~preserved]~~ *accordance with RSA 33-A:3-a.* Qualified voter, voter registration, and domicile

1 affidavits shall be retained for ~~[3 years after the election in which they are used]~~ *the period set*
2 *forth in RSA 33-A:3-a*, and other materials may be destroyed ~~[one year after the first state general~~
3 ~~election at which the individual may vote]~~ *after the election is settled and all appeals have*
4 *expired or one year after the election, whichever is longer.*

5 23 Preservation of Checklists. Amend RSA 659:102 to read as follows:

6 659:102 Preservation of Checklists. No later than the second Friday after each regular state
7 general election, and for each presidential primary election, the supervisors of the checklist in the
8 towns, and the corresponding officers in the cities, shall send one of the marked checklists which
9 were used in that election, certified by the officers, to the state archives. In addition, they shall send
10 one of the unmarked checklists which were used in the state general election at which a president
11 was elected to the clerk of the federal district court for the district of New Hampshire. One marked
12 copy of every checklist used in any election shall be turned over to the town or city clerk by the
13 supervisors. The clerk shall preserve such checklists in his *or her* custody for a public record for a
14 period ~~[of no less than 5 years]~~ *set forth in RSA 33-A:3-a.*

15 24 Preservation of Challenge Affidavits. Amend RSA 659:103 to read as follows:

16 659:103 Preservation of Challenge Affidavits. The affidavits made by challenged voters as
17 provided in RSA 659:27 shall be preserved ~~[by the town clerk for at least one year following the date~~
18 ~~of a state election. In contested elections, all affidavits shall be retained by the town clerk until the~~
19 ~~contest is settled and all appeals periods have expired or for at least one year, whichever is longer]~~
20 *in accordance with RSA 33-A:3-a.*

21 25 Effective Date. This act shall take effect 60 days after its passage.

LBAO
10-2452
12/07/09

HB 1574-FN - FISCAL NOTE

AN ACT relative to retention of election records.

FISCAL IMPACT:

The New Hampshire Municipal Association states this bill may increase local expenditures by an indeterminable amount in FY 2010 and each year thereafter. There will be no fiscal impact on state, county, and local revenue or on state and county expenditures.

METHODOLOGY:

The New Hampshire Municipal Association states this bill increases the length of time election-related documents must be retained and the number of election-related documents that must be retained. The Association states, to the extent municipalities will be required to incur additional retention costs to comply with the proposed legislation, local expenditures will increase, although it does not have enough information to estimate the specific amount of the increase.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1574-FN

BILL TITLE: relative to retention of election records.

DATE: February 2, 2010

LOB ROOM: 308 **Time Public Hearing Called to Order:** 11:02 am

Time Adjourned: 11:15 am

(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, C. Chase Perry, Levesque, Bartlett, Caron, Hodges, Horrigan, Komi, Drisko, Jasper, Maybeck, Hoelzel, Bates, Comerford, Doherty, Scala and Garcia

Bill Sponsors: Rep. Drisko, Hills 5; Rep. Perry, Straf 3

TESTIMONY

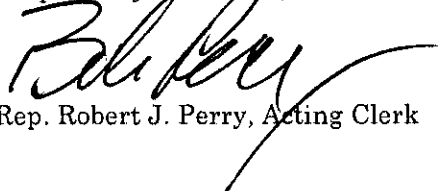
* Use asterisk if written testimony and/or amendments are submitted.

Rep. Drisko, prime sponsor, introduced bill. Housekeeping bill dealing with retention of records in the Secretary of State's office.

Anthony Stevens and JoAnn Ferruolo, representing Secretary of State. Supports bill. Clerks around the state asked secretary of state in 2008 to clarify/modify, etc. the retention of records. Summer of 2009 spent holding meetings in this effort. Current law does not clarify what to do with certain documents. Current law says if no law applies to certain documents, documents must be kept forever. This creates costs and unnecessary labor. Some records need to be retained for future prosecutions. This bill clarifies what should be kept and for how long.

Fiscal Note discussed. Anthony said towns, municipalities already doing what this bill ^u could require.

Respectfully submitted,



Rep. Robert J. Perry, Acting Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1574-FN

BILL TITLE: relative to retention of election records.

DATE: 2/2/10

LOB ROOM: 308

Time Public Hearing Called to Order: 11:02 AM.

Time Adjourned: 11:15 AM.

(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, G. Chase, Perry, Levesque, Bartlett, Caron, Hodges, Horrigan, Komi, Drisko, Jasper, Maybeck, Hoelzer, Bates, Comerford, Doherty, Scala and Garcia

Bill Sponsors: Rep. Drisko, Hills 5; Rep. Perry, Straf 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

#1574

2/2/10

1- DICK DEBONO - PREMIER HOUSEKEEPING BILL
DEALING W/ RETENTION OF DEPT. STATE
RECORDS.

② ANTHONY STEVENS W/

FLICARULO, JOANNE

FAVORS BILL - CLERKS ~~WERE~~ WERE AROUND THE
STATE ASKED SOS IN 2008 TO CLARIFY / MODIFY,
ETC, RETENTION OF RECORDS. SPENT SUMMER
OF 09 HOLDING MTGS IN THIS EFFORT. ~~SO FAR~~
~~AS~~ ~~THE~~ ~~RECORDS~~ ~~ARE~~ ~~BEING~~ ~~REVIEWED~~

CURRENT LAW DOES NOT CLARIFY WHAT TO DO
W/ CERTAIN DOCUMENTS.

CURRENT LAW SAYS IF NO LAW APPLIES TO
CERTAIN DOCUMENTS, DOCUMENTS MUST BE
KEPT FOREVER, CREATES COSTS AND
UNNECESSARY LABOR. SOME RECORDS NEED
TO BE RETAINED FOR FUTURE PROSECUTIONS.
THIS BILL CLARIFIES WHAT SHOULD BE KEPT AND
FOR HOW LONG.

FISCAL NOTE DISCUSSED. ANTHONY SAID TOWNS,
MUNICIPALITIES ALREADY DOING WHAT THIS BILL
ANTICIPATES COULD REQUIRE.

BOB PERAY, ACTING CLERK

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1574

BILL TITLE: relative to retention of election records.

DATE: February 16, 2010

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Drisko

Seconded by Rep. Pierce

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1574

BILL TITLE: relative to retention of election records.

DATE: 2/16/2010

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Prisko*

Seconded by Rep. *Freese*

Vote: *17/0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *ye*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

ELECTION LAW

Bill #: HB 1574-FV Title: relative to retention of election records

PH Date: 2 / 2 / 2010

Exec Session Date: 2 / 16 / 2010

Motion: OTP

Amendment #: _____

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman	X	
Pierce, David M, V Chairman	X	
Splaine, James R	X	
Chase, Claudia A, Clerk	X	
Perry, Robert J	X	
Levesque, Melanie A	X	
Bartlett, Michael J	X	
Caron, June M	X	
Hodges, Kevin D	X	
Horrigan, Timothy	X	
Komi, Richard N		
Drisko, Richard B	X	
Jasper, Shawn N	X	
Maybeck, Margie L		
Hoelzel, Kathleen M	X	
Garcia, Marilinda J	X	
Bates, David	X	
Comerford, Timothy P	X	
Doherty, Shaun S		
Scala, Dino A	X	
TOTAL VOTE:	17/10	

Committee Report

CONSENT CALENDAR

February 16, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on ELECTION LAW to which was referred HB1574-FN,

AN ACT relative to retention of election records.

Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Richard B Drisko

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB1574-FN
Title:	relative to retention of election records.
Date:	February 16, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill was requested by the department of state. It was introduced to streamline and clarify existing laws regarding how long documents must be held. In addition, this bill assures compliance with federal standards.

Vote 17-0.

Rep. Richard B Drisko
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

ELECTION LAW

HB1574-FN, relative to retention of election records. **OUGHT TO PASS.**

Rep. Richard B Drisko for ELECTION LAW. This bill was requested by the department of state. It was introduced to streamline and clarify existing laws regarding how long documents must be held. In addition, this bill assures compliance with federal standards. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File


 DRAFT

Election Law

HB 1574

This bill was requested by the department of state. It was introduced to streamline and clarify existing laws regarding how long documents must be held. In addition, this bill assures compliance with federal standards.

Rep. Drisko


Rep. Clemons, Chair

COMMITTEE REPORT

COMMITTEE: EL

BILL NUMBER: HB 1574-FN

TITLE: _____

DATE: 2/16/2010 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

THIS BILL WAS REQUESTED BY THE DEPARTMENT OF STATE. IT IS INTRODUCED TO ^{STREAMLINE AND CLARIFY} REVIEW PRESENT ~~EXISTING~~ LAWS REGARDING REGULATIONS ~~AND~~ HOW LONG DOCUMENTS MUST BE HELD. ~~AND STREAMLINE THE PROCESS~~. IN ADDITION, HB 1574 ASSURES COMPLIANCE WITH FEDERAL STANDARDS.

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. E.B. Drisko
For the Committee

[Signature]
Rep. Jane Clouse