

**CHAPTER 261**  
**HB 531 - FINAL VERSION**

7Mar2019... 0573h  
05/30/2019 2216s

2019 SESSION

19-0328  
11/03

HOUSE BILL                    ***531***

AN ACT                    relative to the delivery of absentee ballots cast by elderly or disabled citizens.

SPONSORS:            Rep. Ebel, Merr. 5; Rep. Porter, Hills. 1; Rep. Wolf, Merr. 5; Rep. Mangipudi, Hills. 35; Rep. Belanger, Hills. 27; Rep. Campion, Graf. 12; Rep. Moynihan, Coos 2; Rep. DesMarais, Carr. 6; Sen. Chandley, Dist 11; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12

COMMITTEE:          Election Law

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ANALYSIS

          This bill permits unrelated caregivers to deliver absentee ballots on behalf of voters who reside in nursing homes or assisted living facilities.

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                              Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to the delivery of absentee ballots cast by elderly or disabled citizens.

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

1            261:1 Procedure for Absence, Religious Observance, and Disability and Overseas Voting;  
2 Procedure by Voter. Amend RSA 657:17 to read as follows:

3            657:17 Procedure by Voter.

4            ***I.*** After marking the ballot, the voter or the person assisting a blind voter or voter with a  
5 disability who is unable to mark his or her ballot shall enclose and seal the same in an inner  
6 envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or  
7 voter with a disability who needs assistance executing the affidavit shall sign a statement on the  
8 affidavit envelope acknowledging the assistance. The voter or the person assisting the blind voter or  
9 voter with a disability who needs assistance shall enclose and seal the inner envelope with the  
10 affidavit in an outer envelope. The voter ***or the person assisting a blind voter or voter with a***  
11 ***disability*** shall then endorse on the outer envelope ~~[his or her]~~ ***the voter's*** name, address, and  
12 voting place ~~[and shall mail the envelope, affixing postage, or personally deliver it or have it~~  
13 ~~delivered by the voter's spouse, parent, sibling, or child to the city or town clerk from whom it was~~  
14 ~~sent]~~. ***The absentee ballot shall be delivered to the city or town clerk from whom it was***  
15 ***received in one of the following ways:***

16                      (a) *The voter or the voter's delivery agent may personally deliver the envelope;*

17 ***or***

18                      (b) *The voter or the person assisting the blind voter or voter with a disability*  
19 ***may mail the envelope to the city or town clerk, with postage affixed.***

20            ***II. As used in this section, "delivery agent" means:***

21                      (a) *The voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-*  
22 ***in-law, son-in-law, daughter-in-law, stepparent, stepchild; or***

23                      (b) *If the voter is a resident of a nursing home as defined in RSA 151-A:1, IV, the*  
24 ***nursing home administrator, licensed pursuant to RSA 151-A:2, or a nursing home staff***  
25 ***member designated in writing by the administrator to deliver ballots; or***

26                      (c) *If the voter is a resident of a residential care facility licensed pursuant to*  
27 ***RSA 151:2, I(e) and described in RSA 151:9, VII(a)(1) and (2), the residential care facility***  
28 ***administrator, or a residential care facility staff member designated in writing by the***  
29 ***administrator to deliver ballots; or***

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1           (d) *A person assisting a blind voter or a voter with a disability who has signed a*  
2 *statement on the affidavit envelope acknowledging the assistance.*

3           **III.** The city or town clerk, or ward clerk on election day at the polls, shall not accept an  
4 absentee ballot from a ~~[family member]~~ **delivery agent** unless the ~~[family member]~~ **delivery agent**  
5 completes a form provided by the secretary of state, which shall be maintained by the city or town  
6 clerk, and the ~~[family member]~~ **delivery agent** presents a government-issued photo identification or  
7 has his or her identity verified by the city or town clerk. Absentee ballots delivered through the mail  
8 or by the voter's ~~[spouse, parent, sibling, or child]~~ **delivery agent** shall be received by the town, city,  
9 or ward clerk no later than 5:00 p.m. on the day of the election. ***A delivery agent who is assisting***  
10 ***a voter who is blind or who has a disability pursuant to this section may not personally***  
11 ***deliver more than 4 absentee ballots in any election, unless the delivery agent is a nursing***  
12 ***home or residential care facility administrator, an administrator designee, or a family***  
13 ***member, each as authorized by this section.***

14           261:2 Elections; Absentee Voting; Election Day; Misusing Absentee Ballot. Amend RSA 657:24  
15 to read as follows:

16           657:24 Misusing Absentee Ballot. Whoever, prior to the closing of the polls or the time of  
17 processing absentee ballots on election day, shall show or exhibit an unsealed absentee ballot to any  
18 person or shall use an absentee ballot for any purpose except to vote the same shall be guilty of a  
19 misdemeanor; provided that this provision shall not apply to any person engaged in printing or  
20 distributing or otherwise dealing with said ballots according to law, to any ~~[person]~~ **voter** who  
21 because of blindness **or disability** is unable to mark his **or her** ballot, or to any person who assists  
22 a blind ~~[person]~~ **voter or a voter with a disability who needs assistance** in marking his **or her**  
23 ballot **pursuant to RSA 657:17, I.** Anyone who votes or attempts to vote under the provisions of  
24 this chapter who is not entitled to vote by absentee ballot or anyone who knowingly votes or  
25 attempts to vote in violation of this chapter shall be guilty of a misdemeanor.

          261:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 19, 2019

Effective Date: September 17, 2019