

HB 538 - AS INTRODUCED

2021 SESSION

21-0745

11/06

HOUSE BILL

538

AN ACT relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency."

SPONSORS: Rep. Horrigan, Straf. 6; Rep. Berch, Ches. 1; Rep. Cohen, Hills. 28; Rep. Frost, Straf. 16; Rep. Kenney, Straf. 6; Rep. Read, Rock. 17; Rep. Spang, Straf. 6

COMMITTEE: Election Law

ANALYSIS

This bill modifies the definition of domicile for voting purposes, modifies forms and procedures used for voter registration, and removes the requirement that the secretary of state conduct post-election voter registration inquiries. This bill also amends the general statutory definitions of "resident or inhabitant" and "residence or residency" to include an intent to maintain a principal place of physical presence for the indefinite future. The bill restores language removed from the law in 2018, 370 (HB 1264).

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency."

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

1 1 Voter; Office Holder; Claim of Domicile. Amend RSA 654:1, I to read as follows:

2 I. Every inhabitant of the state, having a single established domicile for voting purposes,
3 being a citizen of the United States, of the age provided for in Article 11 of Part First of the
4 Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town,
5 ward, or unincorporated place in which he or she is domiciled. An inhabitant's domicile for voting
6 purposes is that one place where a person, more than any other place, has established a physical
7 presence and manifests an intent to maintain a single continuous presence for domestic, social, and
8 civil purposes relevant to participating in democratic self-government. A person has the right to
9 change domicile at any time, however a mere intention to change domicile in the future does not, of
10 itself, terminate an established domicile before the person actually moves. ***A person's claim of***
11 ***domicile for voting purposes shall not be conclusive of the person's residence for any other***
12 ***legal purpose.***

13 2 Voters; Temporary Absence. Amend RSA 654:2 to read as follows:

14 654:2 Temporary Absence [~~or Presence~~].

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

27 [~~H.(a) A person present in New Hampshire for temporary purposes shall not gain a domicile~~
28 ~~for voting purposes. A person who maintains a voting domicile where he or she came from, to which~~
29 ~~he or she intends to return to as his or her voting domicile after a temporary presence in New~~

~~Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 General Voter Registration; Voter Registration Form. Amend RSA 654:7 to read as follows:

654:7 ~~[Voter Registration;]~~ Voter Registration Form.

~~I. Any person registering to vote shall be:~~

~~(a) At least 18 years of age on the day of the next election; and~~

~~(b) A United States citizen; and~~

~~(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.~~

~~II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.]~~

~~[III.] I. [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 election day.] If an applicant is registering at the polling place on~~
the date of the 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(e)]~~ **II(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.]~~ **II.**(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 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

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

3 Date _____

VOTER REGISTRATION FORM

5 (Please print or type)

6 1. Name _____

7 Last (suffix)

First

Full Middle Name

8 2. [Domicile] Address _____

9 Street

Ward Number

11 Town or City

Zip Code

12 3. Mailing Address if different than in 2 _____

13 Street

15 Town or City

Zip Code

16 4. Place and Date of Birth _____

17 Town or City

State

18 Date _____

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

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

22 6. Place last registered to vote _____

23 Street

Ward Number

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

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

29 8. Party Affiliation (if any) _____

30 9. Driver's License Number _____ State _____

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

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

35 I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a
36 United States citizen, and I must be domiciled in this ward/town. ***I understand that I can claim***
37 ***only one city/town as my domicile at a time. A domicile is that place, more than any other,***

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where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering to vote today, I acknowledge that I am not registering to vote or voting in any other city/town.

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

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

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

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

Date Signature of Applicant

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

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates ~~[starting 30 days before each election and]~~ at the polling place on ***the day 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 ~~[registration form is submitted]~~ _____

~~[Date applicant moved to the address listed below as the voter's domicile _____]~~

VOTER REGISTRATION FORM

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

(Please print or type)

1. Name _____

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1 Last (suffix) First Full Middle Name

2 2. [Domicile] Address _____

3 Street Ward Number

4 _____

5 Town or City Zip Code

6 3. Mailing Address if different than in 2 _____

7 Street

8 _____

9 Town or City Zip Code

10 4. Place and Date of Birth _____

11 Town or City State

12 Date _____

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

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

15 _____

16 6. Place last registered to vote _____

17 Street Ward Number

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

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

22 _____

23 8. Party Affiliation (if any) _____

24 9. Driver's License Number _____ State _____

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

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

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

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

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

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

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

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

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

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

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

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

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

Date

Signature of Applicant

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

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

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

Election Official

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

~~Verifiable Action of Domicile~~

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

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~~___ purchased an abode at the address listed on the voter registration form~~
~~___ obtained a New Hampshire resident motor vehicle registration, driver's license, or~~
~~identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the address on~~
~~the voter registration form~~

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

~~Identified the address on the voter registration form as your physical residence address on:~~

~~___ state or federal tax forms~~
~~___ other government issued forms or identification. Describe form of identification:~~
~~_____~~

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

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

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

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

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

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

Name _____
Last (suffix) _____ First _____ Full Middle Name _____
Domicile Address _____
Street _____ Ward Number _____

Town or City _____ Zip Code _____

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Date _____ Signature of Applicant

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

Date _____ Signature of Clerk

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

4 General Voter Registration; Registering at the Polling Place; Election Day Registration.
Amend RSA 654:7-a, I to read as follows:

I. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, to all town, city, school district, and village district elections, and to all official ballot meetings where persons may vote by absentee ballot. A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration form provided for in RSA 654:7[~~IV~~(e)]. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

5 General Voter Registration; Effect of Registration on Election Day. Amend RSA 654:7-b to read as follows:

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

6 Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:

654:12 Determining Qualifications of Applicant.

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, a sworn statement on the **general election day** voter registration form [~~used starting 30 days before an election and on election day~~], or any other reasonable documentation which indicates

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the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or 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 the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

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

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

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

☐ Identity

☐ Citizenship

☐ Age

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

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

6 (c) DOMICILE.

7 ~~[(1) Registering more than 30 days in advance of an election.~~

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

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

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

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

29 ~~(iii) Purchasing an abode at that place;~~

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

33 ~~(v) Listing that place as the person's physical residence address on state or~~
34 ~~federal tax forms, other government identification showing the address, or other government forms~~
35 ~~showing the address;~~

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

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1 (vii) ~~Obtaining public utility services for an indefinite period at that place; or~~
2 (viii) ~~Arranging for a homeless shelter or similar service provider located in~~
3 ~~the town or ward to receive United States mail on behalf of the individual.~~

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

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

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

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

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

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

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

(C) ~~Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted.]~~

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street **Ward Number**

Town or City **Zip Code**

Current Mailing Address (if different): _____

Street **Ward Number**

Town or City **Zip Code**

Telephone Number (requested but optional): _____

Email Address (requested but optional): _____

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

Place and Date of Birth: _____

Address of Last Previous Domicile: _____

Street **Ward Number**

Town or City **Zip Code**

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

1 *voting in any other city/town, and that to the best of my knowledge and belief the*
2 *information above is true and correct.*

3 _____
4 *(Signature of Applicant)*

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

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

15 _____
16 *Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.*

17 II. The supervisors may refuse to add the name of an applicant to the checklist if he or she
18 fails to present the evidence or an affidavit as required by this section. Without limiting the
19 acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

20 (a) Any one of the following documents is presumptive evidence that the individual
21 seeking to vote meets the domicile requirement, provided the document is currently valid, was
22 issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

23 (1) New Hampshire driver's license.

24 (2) New Hampshire vehicle registration.

25 (3) Armed services identification, or other photo identification issued by the United
26 States government.

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

32 (1) Photo driver's license issued by any state or the federal government.

33 (2) United States passport, armed services identification, or other photo
34 identification issued by the United States government.

35 (3) Photo identification issued by local or state government.

36 (c) The presumptions established in this paragraph may be defeated by evidence
37 establishing that it is more likely than not that the applicant is not qualified as a voter.

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

17 IV. Any person who is applying for registration as a voter and who is currently registered to
18 vote in a different town or ward in New Hampshire shall complete the voter registration form
19 provided for in RSA 654:7. If the election official receiving the application confirms through the
20 centralized voter registration database required by RSA 654:45 that the applicant is currently
21 registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not
22 be required to prove his or her age or citizenship.

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

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~~voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a sworn statement on the voter registration form used starting 30 days before an election and on election day.]~~

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at ~~[any]~~ **a state general** election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed by January 10 in every odd-numbered year in the case of persons registering at a state primary or general election, or within 90 days after any other election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

(c) The secretary of state shall ~~[conduct an inquiry regarding]~~ **cause** any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office **to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all** ~~[and those]~~ persons who were mailed letters under subparagraph (b) and have not confirmed their registration. ~~[The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the voter registration form. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed.]~~ Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

~~[(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing sworn statements on the voter registration form used starting 30 days before an election and on election day since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or~~

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1 ~~January 1 next following the election. The secretary of state shall mark the envelope with~~
2 ~~instructions to the United States Post Office not to forward the letter and to provide address~~
3 ~~correction information.~~

4 ~~(e) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant~~
5 ~~to subparagraph (d) that are returned as undeliverable by the United States Post Office. The~~
6 ~~inquiry may include consulting with, and examining public records held by, municipal officials,~~
7 ~~which contain information relevant to a person's qualifications to vote in New Hampshire, and~~
8 ~~interviewing persons living at the address listed on the letters. After such inquiry, the secretary of~~
9 ~~state shall prepare and forward to the attorney general for investigation a list of those people whose~~
10 ~~eligibility to vote could not be confirmed. The attorney general shall cause an investigation to be~~
11 ~~made to determine whether fraudulent registration or voting occurred.~~

12 ~~(f) Upon completion of any investigation authorized under RSA 654:12, the secretary of~~
13 ~~state and the attorney general shall forward a report summarizing the results of the inquiry and~~
14 ~~investigation, respectively, to the speaker of the house of representatives, the president of the~~
15 ~~senate, and the chairpersons of the appropriate house and senate standing committees with~~
16 ~~jurisdiction over election law.]~~

17 7 Voter Checklists; Right to Know Exemption. Amend RSA 654:31-a to read as follows:

18 654:31-a Right to Know Exemption. The information contained on the checklist of a town or
19 city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if
20 any, of registered voters, except as otherwise provided by statute, is public information subject to
21 RSA 91-A. All other information on the voter registration form, absentee registration affidavit,
22 qualified voter affidavits, domicile affidavits, affidavit of religious exemption, application for
23 absentee ballot, and contact information, including but not limited to a phone number and email
24 address, provided to the secretary of state or other election officials for the purpose of receiving
25 information about elections shall be treated as confidential information and the records containing
26 this information shall be exempt from the public disclosure provisions of RSA 91-A, except as
27 provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter **and**
28 **domicile** affidavits are public records subject to RSA 91-A for the sole purpose of challenging an
29 individual registering to vote or voting, challenging ballots to be recounted, to the extent that such
30 ballot challenges are specifically authorized by law, or determining the accuracy of any qualified
31 voter **or domicile** affidavit. Election officials and law enforcement personnel in furtherance of their
32 official duties may access and may disclose information from the voter registration form, qualified
33 voter **and domicile** affidavits, affidavits of religious exemption, absentee registration affidavits, and
34 applications for absentee ballots, if necessary to resolve a challenge to an individual registering to
35 vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law
36 enforcement access and use of such records for the investigation or prosecution of crimes unrelated

1 to election law violations shall be limited to the records of the specific individuals who are the
2 subject of the investigation or prosecution.

3 8 Voters and Checklists; Centralized Voter Registration Database. Amend RSA 654:45, VIII to
4 read as follows:

5 VIII.(a) The secretary of state may ~~[enter into an agreement to share]~~ **become a member of**
6 **a program or organization whose membership is composed of state, local, District of**
7 **Columbia, or voting territory election officials from the United States and whose purposes**
8 **is to share and exchange information to improve the accuracy and efficiency of voter**
9 **registration systems. The secretary of state may enter into a membership agreement with**
10 **such program or organization no later than January 1, 2022 and shall remain in good**
11 **standing with such program or organization thereafter. On or before January 15, 2022, the**
12 **secretary of state shall file a report with the speaker of the house of representatives, the**
13 **president of the senate, and the chairpersons of the appropriate house and senate standing**
14 **committees with jurisdiction over election law, that outlines the basis for the**
15 **determination to participate or not participate in such program or organization. The**
16 **report shall take into account such factors as standards, policies and procedures, security**
17 **requirements, and usability. The secretary of state shall share with such program or**
18 **organization** voter information or data from the statewide centralized voter registration database
19 for the purpose of comparing duplicate voter information with other states or groups of states. The
20 secretary of state shall only provide information that is necessary for matching duplicate voter
21 information with other states and shall take precautions to make sure that information in the
22 database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit
23 input from the department of safety and the department of information technology and shall ensure
24 that any information or data shared between the agencies **is protected by security processes and**
25 **protocols and that any information or data** that is of a confidential nature remains confidential.

26 (b) The secretary of state shall investigate any duplicate matches of voters resulting
27 from any comparisons of the statewide centralized voter registration database **and other voter**
28 **information or data** with other states. If the investigation results in the inability to confirm the
29 eligibility of a person or persons who voted, or there is reason to believe a person or persons voted
30 who were not eligible, the secretary of state shall forward the results to the attorney general for
31 further investigation or prosecution.

32 (c) **Upon the effective date of subparagraph (a), the secretary of state shall cease**
33 **any activity or data transfer with the Kansas-based Interstate Voter Registration**
34 **Crosscheck Program.**

35 (d) Upon completion of any investigation authorized under RSA 654:45, VIII(b), the
36 attorney general and the secretary of state shall forward a report summarizing the results of the
37 investigation to the speaker of the house of representatives, the president of the senate, and the

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chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

9 Voting Procedure; Obtaining a Ballot. Amend RSA 659:13, IV(b) to read as follows:

(b) The secretary of state shall ~~[conduct an inquiry regarding]~~ **prepare a list of voters from** any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office and of voters who were mailed letters under subparagraph (a) and have not responded to the secretary of state. ~~[The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed.]~~
The secretary of state shall revise the list based on input solicited from the supervisors of the checklist. The secretary of state shall forward the revised list of names to the attorney general **who** shall cause an investigation to be made to determine whether fraudulent voting occurred.

10 Election Procedure; Challenges; Affidavit. Amend RSA 659:30 to read as follows:

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

11 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(a) to read as follows:

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

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

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

(g) Presents falsified proof of identity~~[-domicile, or verifiable action of domicile at any election;]~~.

13 Repeal. The following are repealed:

I. RSA 659:34, I(h)-(i), relative to penalties for voter fraud.

II. 2016, 175:2, relative to Interstate Voter Registration Crosscheck Program.

14 Preservation of Absentee Voting Materials ~~[and]~~ Election Day Affidavits. Amend RSA 659:101 to read as follows:

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

15 Disposition of Municipal Records; Domicile Affidavit. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

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

16 Statutory Construction; Resident; Inhabitant. Amend RSA 21:6 and 21:6-a to read as follows:

21:6 Resident; Inhabitant. A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled or has a place of abode or both in this state and in any city, town or other political subdivision of this state, and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence **for the indefinite future** to the exclusion of all others.

21:6-a Residence. Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his or her principal place of physical presence **for the indefinite future** to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

17 Funding. Funding for implementation of section 8 of this act shall be provided by grants received pursuant to the 2018 Help America Vote Act Election Security Award and section 101 of the Help America Vote Act of 2002, Public Law 107-252.

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