

Amendment to SB 3

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

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

4 654:2 Temporary Absence **or Presence**.

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

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

22 **(b)** *A person who has been present and residing at one place in one town or*
23 *ward in New Hampshire for 30 or fewer days is deemed to be present for temporary*
24 *purposes unless that person has the intention of making the place in which the person*
25 *residing his or her one place, more than any other, from which he or she engages in the*
26 *domestic, social, and civil activities of participating in democratic self-government*
27 *including voting, has acted to carry out that intent, and can during the voter registration*
28 *process report and provide evidence a verifiable action has been taken.*

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

33 **(d)** *For the purposes of voter registration, acts demonstrating an intent to make*

1 *a place an individual's domicile for purposes of participating in self-government as a*
2 *voter shall include, but are not limited to:*

3 *(1) Verification of residency at an institution of higher learning;*

4 *(2) Renting or leasing an abode at that place for a period of more than 30*
5 *days;*

6 *(3) Purchasing an abode at that place;*

7 *(4) Obtaining a New Hampshire resident motor vehicle registration,*
8 *driver's license, or official nondriver's picture identification card listing that place as his*
9 *or her residence;*

10 *(5) Enrolling the person's dependent minor child in a publicly funded*
11 *elementary or secondary school which serves the town or ward of that place;*

12 *(6) Listing that place as the person's physical residence address on state or*
13 *federal tax forms, a United States passport, other government identification, or other*
14 *government forms;*

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

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

20 *(9) Obtaining utility services for an indefinite period at that place; or*

21 *(10) Arranging for a homeless shelter or similar service provider located in*
22 *the town or ward to receive United States mail on behalf of the individual using that*
23 *facility's address as the individual's domicile address for voting purposes.*

24 *(e) An applicant whose domicile is at an abode rented, leased, or owned by*
25 *another and whose name is not listed on the rental agreement, lease, or deed may provide*
26 *a written statement from a person who is listed on the rental agreement, lease, or deed, or*
27 *other reasonable proof of ownership or control of the property or his or her agent who*
28 *manages the property that the applicant resides at that address, signed by the owner or*
29 *manager of the property under penalty of voting fraud if false information is provided.*
30 *The statement shall be on the form prescribed by the secretary of state for that purpose or*
31 *contain all the information set forth on that official form.*

32 *III. An individual applying for registration as a voter 30 or fewer days before an*
33 *election shall use the election day registration form required by RSA 654:7, which shall*
34 *require the applicant to provide the date he or she established his or her voting domicile*
35 *in New Hampshire, and identify and provide evidence of a verifiable action he or she has*
36 *taken carrying out his or her intent to make the place claimed as domicile the one place,*
37 *more than any other, where he or she will participate in democratic self-government.*

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

9 V. The supervisors of the checklist shall as soon as practical following the first
10 election at which a person relies solely on a domicile affidavit to register and vote, and
11 fails to mail or present evidence of having taken some action to carry out his or her intent
12 to establish domicile at the address listed on his or her voter registration application to
13 the clerk by the deadline, verify that the person was domiciled at the address claimed on
14 election day by:

15 (a) Requesting local law enforcement during their routine patrols to visit the
16 address and verify that the individual was domiciled there on election day;

17 (b) Requesting the secretary of state to send a letter of domicile verification,
18 which the secretary of state shall send in the same manner as provided in RSA 654:12, V(b)
19 and RSA 659:13, IV (a); or

20 (c) Requesting 2 or more supervisors or other municipal officials to visit the
21 address and verify that the individual was domiciled there on election day.

22 VI. If an applicant fails to mail or present evidence to the clerk by the deadline
23 and the supervisors are unable to verify the applicant's domicile or where evidence exists
24 of voting fraud, the supervisors shall promptly report this to the secretary of state and to
25 the attorney general, who shall cause such further investigation as is warranted. The
26 supervisors shall also initiate removing the person from the checklist by sending the
27 person the notice required by RSA 654:44.

28 2 Voter Registration Form; Day of General Election. Amend RSA 654:7, IV(c) to read as
29 follows:

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

34 ___ NEW REGISTRATION I am not registered to vote in New Hampshire

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

37 ___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have

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1 changed my name/address

2 Date **registration form is submitted** _____

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

4 VOTER REGISTRATION FORM

5 FOR USE **STARTING 30 DAYS BEFORE AN ELECTION AND** AT THE POLLING PLACE ON
6 THE DATE OF THE STATE GENERAL ELECTION

7 (Please print or type)

8 1. Name _____

9 Last (suffix) First Full Middle Name

101. 2. Domicile Address _____

11 Street Ward Number

12 _____

13 Town or City Zip Code

14 3. Mailing Address if different than in 2 _____

15 Street

16 _____

17 Town or City Zip Code

18 4. Place and Date of Birth _____

19 Town or City State

20 Date _____

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

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

23 _____

24 6. Place last registered to vote _____

25 Street Ward Number

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

27 _____

28 8. Party Affiliation (if any) _____

29 9. Driver's License Number _____ State _____

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

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

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

36 I understand that a person can claim only one state and one city/town as his or her domicile at
37 a time. A domicile is that place, to which upon temporary absence, a person has the intention of

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1 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in
2 any other state or any other city/town.

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

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

7 *I understand that to make the address I have entered above my domicile for voting I*
8 *must have an intent to make this the one place from which I participate in democratic*
9 *self-government and must have acted to carry out that intent. While a person need not*
10 *have taken any particular verifiable action listed below to register to vote, you must report*
11 *and provide evidence of an action if you have taken one. Failing to report and provide*
12 *evidence of a verifiable action will prompt a visit by government officials or official mail*
13 *to your domicile address to verify the validity of your claim to a voting domicile at this*
14 *address. I understand I must present evidence of my actions carrying out my intent to be*
15 *domiciled at this address when registering, or if I do not have such a document when*
16 *registering on election day I understand I must mail a copy or present the document at the*
17 *town or city clerk's office within 10 days following the election (30 days in towns where the*
18 *clerk's office is open fewer than 20 hours weekly).*

19 *I understand that if my domicile is at an abode rented, leased, or purchased by*
20 *another and my name is not listed on the rental agreement, lease, or deed I am required to*
21 *provide a written statement, signed under penalty of voting fraud if false information is*
22 *provided, from a person who is listed on such document, or other reasonable proof of*
23 *ownership or control of the property, attesting that I reside at that address, signed by that*
24 *person or his or her agent who manages the property. The statement shall be on the form*
25 *prescribed by the secretary of state for that purpose or must contain all the information*
26 *set forth on the official form.*

27 *Provide evidence of and write your initials beside each of the following verifiable*
28 *actions that you have taken to make this address your voting domicile and/or fill in what*
29 *other actions you taken:*

30 *___ rented or leased, for a period of more than 30 days, or purchased an abode at the*
31 *address listed above*

32 *___ obtained a New Hampshire resident motor vehicle registration, driver's license, or*
33 *official nondriver's picture identification card listing the address above as my address*

34 *___ enrolled my dependent minor child in a publicly funded elementary or secondary*
35 *school which serves the town or ward of the address I listed above*

36 *Listed the address above as my physical residence address on:*

37 *___ state or federal tax forms*

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1 ___ a United States passport

2 ___ other government forms or identification, describe: _____

3 ___ provided the address above to the United States Post Office as the my permanent

4 address, provided it is not a postal service or commercial post office box, where mail is

5 delivered to your home. This can be by listing the address above as your new address on a

6 Postal Service permanent change of address form and providing a copy of the receipt, or

7 an online emailed receipt

8 ___ obtained a New Hampshire resident hunting or fishing license listing the address

9 above as my residence

10 ___ obtained utility services (electricity, cable, gas, water, etc.) for an indefinite period

11 at the address above, list services or services obtained: _____

12 ___ arranged for a homeless shelter or similar service provider to receive United States

13 mail on my behalf; enter name of the shelter 05 provider: _____

14 ___ describe what other verifiable action or actions you have taken to make the address

15 above your one voting domicile: _____

16 _____

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, citizenship, or domicile, 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):

Identity yes/no _____
 (initials)

Citizenship yes/no _____
(initials)

[illegible][illegible]

Applicant

Election Official

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

In accordance with RSA 659:34, the penalty for knowingly or purposefully 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.***

3 Determining Qualifications of Applicant; Domicile. Amend RSA 654:12, I(c) to read as follows:

(c) DOMICILE.

(1) Registering in advance of an election.

(A) A person who possesses one of the following qualified documents listing the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or nondriver's picture identification card (ii) New Hampshire resident vehicle registration; (iii) armed services identification, or other photo identification issued by the United States government, (iv) government issued check, benefit statement, or tax document. A person who possess such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.

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

(i) Residency at an institution of higher learning;

(ii) Renting or leasing an abode at that place for a period of more than 30 days;

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

(iv) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place;

(v) Listing that place as the person's physical residence address on state or federal tax forms, a United States passport, other government identification, or

1 *other government forms;*

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

5 *(vii) Obtaining a New Hampshire resident hunting or fishing license*
6 *listing that place as residence;*

7 *(viii) Obtaining utility services for an indefinite period at that place;*
8 *or*

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

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

17 *(2) Registering on election day.*

18 *(A) When registering on election day as provided in RSA 654:7-a, if the*
19 *applicant does not have in his or her possession at the polls one of the qualified documents*
20 *listed in subparagraph (1) nor other reasonable documentation which establishes that it*
21 *is more likely than not that the applicant has a domicile at the address claimed in the*
22 *town or ward in which he or she desires to vote [if the applicant does not have reasonable*
23 *documentation in his or her possession at the place and time of voter registration], he or she may*
24 *execute a sworn statement on the general election day voter registration form, or an affidavit as*
25 *provided in subparagraph (3). If the applicant identifies on his or her application and*
26 *affidavit action taken to establish his or her domicile, which he or she has documentation*
27 *of, he or she must agree to mail a copy of or present the document in person to the city or*
28 *town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours*
29 *weekly, within 30 days. Copies of documents provided in compliance with this section are*
30 *exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt*
31 *of a copy or completion of verification of a document presented in person and report*
32 *receipt or verification to the supervisors of the checklist. An applicant whose voter*
33 *registration is approved based on a domicile affidavit who fails to provide a document to*
34 *the city or town clerk as required by this paragraph shall be subject to the penalties of*
35 *wrongful voting as established in RSA 659:34. The supervisors of the checklist shall*
36 *initiate removing the name from the checklist of any such person who fails to provide*
37 *proof of domicile by the deadline by sending the person the notice required by RSA 654:44.*

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(B) A person registering on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless use an affidavit to prove domicile. The supervisors of the checklist shall as soon as practical following the first election at which such a person relies solely on a domicile affidavit to register and vote verify that the person was domiciled at the address claimed on election day by:

(i) Requesting local law enforcement during their routine patrols to visit the address and verify that the individual was domiciled there on election day;

(ii) Requesting the secretary of state to send a letter of domicile verification to be sent in the same manner as provided in RSA 654:12, V(b) and RSA 659:13, IV(a); or

(iii) Two or more supervisors or other municipal officials visiting the address and verifying that the individual was domiciled there on election day.

(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.

(3) Domicile affidavits shall be in the following form, ~~which~~ **and** shall be retained in accordance with RSA 33-A:3-a:

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

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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 voting in any other city/town, 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 purposefully 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.

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

4 Wrongful Voting; Penalties for Voter 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 at any election;

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

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

5 Effective Date. This act shall take effect January 1, 2018.

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2017-0478s

AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes. This bill also modifies requirements for documenting the domicile of a person registering to vote.