

2018 Election Law Changes

Chapter 329
(SB 527) NEW
Eff. 1.1.19

RSA 654:45 Voter Registration Database. Purpose. *Based on the highly confidential information contained in the voter registration database, including information obtained in the absentee ballot process, the legislature reiterates that this information must be protected and shall not be disclosed except as set forth in RSA 654:45 and never in response to a subpoena or civil litigation discovery request.*

RSA 657:1 Absence, Religious Observance, and Disability Absentee Voting. I. ...no changes in this paragraph.....

II. *When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the city, town, or unincorporated place:*

- (a) A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.*
- (b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.*
- (c) As required by RSA 652:20, the clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.*

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RSA 657:4, I Absentee Voting Application Form. I. Prior to any state election..... no changes.....For the purposes of this application, the term "employment" shall include the care of children and infirm adults, with or without compensation.

For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

____ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.

____ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

Any person who votes.....no changes..... to Date Signed.

I attest that I assisted the applicant in executing this form because he or she has a disability. Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a

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person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

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RSA 657:7, II Absentee Voting; Materials. (a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of ____, New Hampshire, in ward ____; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day, *or I am voting on the Monday immediately prior to the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a physical disability, or have to care for children or infirm adults, or I will be otherwise absent on election day from said city or town and will be unable to voter in person* no further changes.....Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(b) Absence Because of Religious Observance or Physical Disability. A person voting.....no changes to this paragraph..... Signature _____

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The signature on this affidavit must appear to be executed by the same person who signed the absentee ballot application. A person assisting a disabled or blind voter shall make and sign a statement on this envelope in the space provided acknowledging the assistance. The moderator will not compare the voter's signature on this affidavit with the signature on the absentee ballot application when a person assisting the voter has signed the statement on the affidavit that assistance was provided.

In accordance with..... no changes.....subject to a civil penalty not to exceed \$5,000.

657:17-a Verification of In-Person Absentee Voter. I. An absentee voter who returns his or her completed absentee ballot to the clerk's office in person shall be treated as a verified voter provided:

- (a) *The voter voluntarily shows the clerk a photo identification that meets the requirements of RSA 659:13; or*
- (b) *The voter voluntarily completes a challenged voter affidavit in the same manner as is required for an election day voter who does not present a qualified voter identification.*

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II. *The clerk shall mark the absentee ballot affidavit envelope "voter verified" and note on the clerk's list of absentee voters that the voter has been verified. The verified voter's signatures on the application for an absentee ballot shall not be compared to the voter's signature on the absentee ballot affidavit on election day.*

III. *A voter who does not present a qualified photo identification and who does not complete a challenged voter affidavit shall not be treated as a verified voter, and his or her signatures on the application for an absentee ballot shall be compared to his or her signature on the absentee ballot affidavit on election day in the same manner as other absentee voters.*

RSA 659:50 Announcement by Moderator. I. The moderator shall begin processing absentee ballots by clearly announcing that he or she is about to open the envelopes which were delivered to him or her. The moderator shall then remove the envelope containing the ballots of each absentee voter and, *for those absentee ballots where the absentee voter has not been verified by the clerk as provided in RSA 657:17-a*, shall compare the signature on the affidavit with the signature on the application for the ballot. If:

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- (a) *The name of the voter is on the checklist; and*
- (b) *The affidavit appears to be properly executed; and*
- (c) *If the affidavit or application shows that the voter received assistance, the absentee voter shall be processed as verified. Otherwise, the signatures on the affidavit shall be*

examined to determine if it appears to be executed by the same person who signed the application.

- II. For the absentee ballots processed in accordance with paragraph I and those where the clerk has previously verified the absentee voter in accordance with RSA 657:17-a, if the signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter, except that with respect to any voter who has been included in the address confidentiality program under RSA 7:43 or who has been granted a protective order under RSA 173-B, the moderator shall identify such voters as “confidential voter number 1” and “confidential voter number 2,” and so forth. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.*

RSA 669:26 Town Elections; Absentee Voting. I. No changes in this paragraph.

II. When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the town:

- (a) A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday immediately prior to the election.*
- (b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday immediately prior to the election.*
- (c) As required by RSA 652:20, the clerk’s office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.*