

# TITLE LXIII ELECTIONS

## CHAPTER 654 VOTERS AND CHECKLISTS

### Eligibility

#### Section 654:1

##### **654:1 Voter; Office Holder. –**

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

I-a. A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

II. Any elected or appointed official for whom one of the qualifications for his or her position is eligibility to be a voter in the area represented or served shall be considered to have resigned if the official moves his or her domicile so that he or she can no longer qualify to be a voter in the area represented or served. Any vacancy so created shall be filled as prescribed by law.

**Source.** 1979, 436:1; 396:1. 2003, 289:23. 2007, 9:1, eff. July 1, 2007. 2009, 288:1, eff. Sept. 27, 2009.

#### Section 654:2

**654:2 Temporary Absence. –** A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention. A voter can have only one domicile for these purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

**Source.** 1979, 436:1. 2003, 289:24, eff. Sept. 1, 2003.

#### Section 654:2-a

##### **654:2-a Voters Confined in Penal Institutions. –**

I. The domicile for voting purposes of a person confined in a penal institution shall be the town or city in New Hampshire in which such person had his or her domicile immediately prior to such confinement, even though such person no longer maintains a domicile in said town or city and even though his or her intent to return thereto is uncertain. The domicile for voting purposes of a person confined in a penal institution shall not include the municipality where the person is confined unless the person was domiciled in that municipality prior to confinement. If the person was domiciled immediately prior to confinement in the municipality where the person is confined, the person shall be considered absent for purposes of voter registration and absentee voting during the period of confinement.

II. A person confined in a penal institution whose domicile is in a town or city in New Hampshire shall be eligible to vote in state elections and shall exercise that right by absentee ballot provided:

(a) The person complies with all other applicable requirements and qualifications of the state of New Hampshire, including, but not limited to, the requirement that an absentee voter take the steps necessary to have his or her name placed on the voter checklist no later than 10 days before an election and the requirement that the absentee voter take the steps necessary to make sure that his or her ballot is received by the town or city clerk from whom it was sent by 5:00 p.m. on election day. A person confined in a penal institution shall use the mail to comply with all applicable requirements and qualifications.

(b) The person is not registered to vote or eligible to vote in any other state or election district of a state or in any territory or possession of the United States.

(c) The person is not a citizen of another state.

III. In completing a voter registration form, as specified in RSA 654:7, a person confined in a penal institution shall list the address of his or her domicile in the address section, and the address of the penal institution in the mailing address section.

**Source.** 1999, 228:1. 2003, 289:63, eff. Sept. 1, 2003.

#### Section 654:3

**654:3 Voting Rights of Overseas Citizens. –** Notwithstanding any other provision of law to the contrary, any United States citizen being at least 18 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire, who is domiciled outside the United States, shall have the right to register absentee to vote in any federal election in the town or city in New Hampshire in which he or she had his or her domicile immediately prior to his or her departure from the United States, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

I. He or she complies with all other applicable requirements and qualifications of the state of New Hampshire; and

II. He or she is not domiciled and is not registered to vote in any other state or election district of a state or in any territory or possession of the United States; and

III. He or she has a valid passport or card of identity issued under the authority of the Secretary of State of the United States.

**Source.** 1979, 436:1. 1988, 209:1. 2003, 289:49, eff. Sept. 1, 2003.

## Section 654:4

### 654:4 Armed Services Voters. –

I. Notwithstanding any other provision of law to the contrary, an armed services voter, as hereinafter defined, being a citizen of the United States and being at least 18 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire shall have the right to vote absentee in any state election in the town or city in New Hampshire in which he had his domicile immediately prior to such service, even though he no longer maintains domicile in said town or city and even though his intent to return thereto is uncertain, provided:

(a) He complies with all other applicable requirements and qualifications of the state of New Hampshire.

(b) He is not registered to vote in any other state or election district of a state or in any territory or possession of the United States.

II. As used in this section, the term ""armed services voter" means:

(a) Members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Ocean Survey, and Public Health Service, and all regular and reserve components thereof, while in active service.

(b) Members of the Merchant Marine of the United States in active service, including persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

(c) Civilian employees of the United States government, including the Peace Corps, serving outside the territorial limits of the several states of the United States and the District of Columbia, whether or not the employee is subject to civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

(d) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces.

(e) The spouses or dependents of any person described in subparagraph (a), (b), (c), or (d) when residing with or accompanying them.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:5

**654:5 Disqualification for Felony.** – A person sentenced for a felony shall forfeit his rights as provided in RSA 607-A:2.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:6

**654:6 Disqualification for Bribery or Intimidation.** – Any person convicted of bribery or intimidation relating to elections under RSA 659:40 shall thereafter be forever disqualified from exercising the right to vote, except that the supreme court may, on notice to the attorney general, restore the privileges of a voter to any person who may have forfeited them by conviction of such offenses.

**Source.** 1979, 436:1, eff. July 1, 1979.

# General Voter Registration

## Section 654:7

**654:7 Voter Registration Form.** – A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date \_\_\_\_\_

VOTER REGISTRATION FORM

(Please print or type)

1. Name \_\_\_\_\_  
Last (suffix) First Full Middle Name

2. Address \_\_\_\_\_  
Street Ward Number

\_\_\_\_\_  
Town or City Zip Code

3. Mailing Address if \_\_\_\_\_  
different than in 2  
Street Ward Number

\_\_\_\_\_  
Town or City Zip Code

4. Place and Date of Birth \_\_\_\_\_

Town or City State

Date \_\_\_\_\_

5. If a naturalized citizen, give name of court where and date when naturalized \_\_\_\_\_

6. Place last registered to vote \_\_\_\_\_  
Town or City

\_\_\_\_\_  
Street Ward Number

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

8. Party Affiliation (if any) \_\_\_\_\_

9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

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

My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

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

I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town.

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

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.

**Source.** 1979, 436:1; 373:1. 1983, 475:1. 1990, 119:1. 1998, 194:2. 2003, 289:25. 2007, 10:1. eff. July 1, 2007.

### Section 654:7-a

#### **654:7-a Registering at the Polling Place; Election Day Registration. –**

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. The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12.

III. Any person who is waiting to register to vote at the polling place on election day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

**Source.** 1994, 154:2. 1995, 187:1. 1997, 49:1. 2000, 34:1. 2003, 289:26, 64, eff. Sept. 1, 2003.

### Section 654:7-b

**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, state, and federal elections.

**Source.** 1994, 154:2, eff. May 23, 1994.

### Section 654:7-c

**654:7-c Observation to Voter Registration. –** Any person shall have a right, as safety, welfare, and rights of voters permit, to observe in-person voter registration, wherever it is conducted, provided however, that the person may not be positioned within 5 feet of the voter registration table where the exchange of nonpublic information between the applicant for registration and the election official receiving the application may be heard or seen. When a person registers to vote on election day, the ballot clerk, upon adding the person's name to the checklist at the check-in table, shall publicly announce the person's name 2 times and shall publicly announce the address the person has registered as his or her domicile one time. These announcements shall be made in a manner that allows any person appointed as a challenger to hear the announcement. Where the physical layout of a polling place makes it impractical to position challengers or interested voters who are registered at that polling place where they can hear the announcement at the check-in table, the moderator shall arrange an alternative means for challengers or interested voters who

are registered to vote at that polling place to be informed of the new voter's name and domicile address and be afforded an opportunity to challenge the voter at the check-in table.

**Source.** 2009, 127:1, eff. Aug. 21, 2009.

### Section 654:8

**654:8 Application to Town or City Clerk.** – The provisions of this section shall apply in all cities and in all towns. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk, or to the supervisors of the checklist as provided in RSA 654:11, for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall be required to accept applications from such persons under the following conditions:

- I. The supervisors of the checklist may issue guidelines to the town clerk for the taking of evidence of qualifications presented by applicants.
- II. No application hereunder shall be accepted after the last meeting of the supervisors of the checklist before an election.
- III. Such application shall be made during the regular office hours of the town or city clerk.

**Source.** 1979, 436:1. 1991, 79:1. 1992, 287:1, eff. July 17, 1992.

### Section 654:8-a

#### 654:8-a Voter Registration in Cities. –

I. Any person qualified as a voter in a city whose name does not appear on the checklist where registration is required because the voter's voting domicile has changed from one ward in the city to another ward in the same city, and who is otherwise registered to vote in the election, may change voter registration at the office of the city clerk. A change in voter registration under this section shall be made no later than the final date set for correcting the checklist in the city. The city clerk shall require the voter to provide acceptable proof of identification and acceptable proof of domicile.

II. Upon compliance with the procedures in paragraph I, the city clerk shall notify the supervisors of the checklist of the proper polling place, directing that the voter be added to the checklist and be permitted to cast a ballot.

**Source.** 1993, 36:1. 2003, 289:27, eff. Sept. 1, 2003.

### Section 654:9

**654:9 Forms to be Forwarded.** – The provisions of this section shall apply in all cities and in all towns. The town or city clerk shall present to the next meeting of the supervisors of the checklist the voter registration forms of all persons making application to the clerk since the previous meeting of said supervisors.

**Source.** 1979, 436:1. 1992, 287:2. 2003, 289:50, eff. Sept. 1, 2003.

### Section 654:10

**654:10 Exemption.** – [Repealed 1992, 287:3, eff. July 17, 1992.]

### Section 654:11

**654:11 Application to Supervisors.** – When the supervisors of the checklist receive a registration form from the town or city clerk or when an applicant submits the form to said supervisors in person at a session for the correction of the checklist, the supervisors of the checklist shall cause his or her name to be added to the checklist, unless it is established that it is more likely than not that the applicant is not qualified to vote in the city or town under RSA 654:1 through 654:6. All decisions of the supervisors of the checklist shall be made by majority vote thereof.

**Source.** 1979, 436:1. 2003, 289:28, eff. Sept. 1, 2003.

### Section 654:12

#### 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, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form:

Date: \_\_\_\_\_

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: \_\_\_\_\_

Name at birth if different: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Date and Place of Naturalization: \_\_\_\_\_

I hereby swear and affirm, under the penalties for voting fraud set forth

below, 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 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

(b) Age. Any reasonable documentation indicating the applicant is 18 years of age or older, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit.

(c) Domicile. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form:

DOMICILE AFFIDAVIT

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Current Domicile Address: \_\_\_\_\_  
Street Ward Number

\_\_\_\_\_  
Town or City Zip Code

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 my established domicile is at the current domicile address I have entered above. I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote 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

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

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

- (1) New Hampshire driver's license.
- (2) New Hampshire vehicle registration.
- (3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a qualified voter, domicile, or election day affidavit:

- (1) Photo driver's license issued by any state or the federal government.
- (2) United States passport, armed services identification, or other photo identification issued by the United States government.
- (3) Photo identification issued by local or state government.

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

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

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

V. (a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at 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 within 90 days after the general 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 contact the attorney general immediately if he or she did not register and vote.

(c) The secretary of state shall 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. 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.

**Source.** 1979, 436:1. 1990, 119:8. 1992, 287:6, 7. 1994, 4:3. 1996, 169:1. 2003, 289:29. 2006, 300:1, eff. Sept. 1, 2006. 2009, 278:1, eff. Jan. 1, 2010.

### Section 654:13

#### 654:13 Action by Supervisors. –

I. If the supervisors decide to add the name of the applicant to the checklist, then they shall retain the original of the registration form for their own file, forward one copy to the supervisors of the checklist of the city or town of the applicant's last voting address if said address is in the state of New Hampshire, Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, and send another copy to the clerk of their town or city.

II. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification in writing to the applicant within 7 days stating the reason for the denial. They shall write the word ""REJECTED" and the date of rejection across the registration form. They shall retain the original in a separate file for proof that such an application was made.

**Source.** 1979, 436:1. 1987, 199:1. 2003, 289:51, eff. Sept. 1, 2003.

### Section 654:14

**654:14 Complaint to Superior Court.** – Any applicant may file, as provided in RSA 654:42, a complaint with the superior court stating that his name has been illegally kept from the checklist and asking to have his name added thereto for the reasons stated in the complaint.

**Source.** 1979, 436:1, eff. July 1, 1979.

### Section 654:15

**654:15 Party Registration.** – Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered. The party membership of each voter may be registered by writing in ink, printing, or rubber stamping after the name of such voter the first 3 letters of the name of the party with which he registers.

**Source.** 1979, 436:1. 1981, 308:1, eff. Aug. 15, 1981.

## Absentee Voter Registration

### Section 654:16

**654:16 Applicability.** – Any person who has his domicile in any town or city in this state and is qualified to vote therein at the next subsequent election to be held in said town or city except for the fact that his name does not appear on the checklist to be used at the election, and who is temporarily absent therefrom or who by reason of physical disability is unable to attend a meeting of the supervisors of the checklist, may cause his name to be added to such checklist by applying to the city or town clerk or the secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate absentee registration affidavit provided for in RSA 654:17.

**Source.** 1979, 436:1, eff. July 1, 1979.

### Section 654:17

#### **654:17 Absentee Registration Affidavit.** –

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

#### Affidavit (Absence from town)

I, \_\_\_\_\_ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on \_\_\_\_\_, \_\_\_\_\_ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in \_\_\_\_\_ (city and state or city, province, and country);

4) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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.

#### Affidavit (Physical Disability)

I, \_\_\_\_\_ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of \_\_\_\_\_, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on \_\_\_\_\_, \_\_\_ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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.

II. There shall be printed below each of the foregoing affidavits the following affirmation:

Affirmation

I, \_\_\_\_\_, the undersigned witness, do hereby swear or affirm, under the penalties for voting fraud set forth below, that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (date), the above named, \_\_\_\_\_, having satisfied me as to his or her identity, signed the foregoing affidavit in my presence, and did before me swear to (or affirm) the truth of the statements therein contained.

\_\_\_\_\_  
Signature of Witness

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.

**Source.** 1979, 436:1. 1995, 124:1. 2003, 289:30. 2004, 229:3, eff. Aug. 10, 2004.

**Section 654:18**

**654:18 Forwarding.** – The voter registration form and the absentee registration affidavit shall be forwarded directly to the applicant by the city or town clerk or by the secretary of state.

**Source.** 1979, 436:1. 1995, 124:2, eff. July 16, 1995.

**Section 654:19**

**654:19 Submission; Effect.** – The applicant shall forward the absentee registration affidavit and the applicant's voter registration form to the clerk of the town or city named for submission to the supervisors of the checklist. If the supervisors find that the affidavit and the voter registration form are properly executed, they shall follow the procedure for applications made in person as provided in RSA 654:11, 654:13, and 654:15, except that in the case of an absentee voter they shall accept an absentee registration affidavit and a registration form. An affidavit which is properly executed shall be considered valid and shall be effective for both a primary and a general election for armed services voters and for absent voters who reside outside the continental United States.

**Source.** 1979, 436:1. 1988, 73:1. 1995, 124:3, eff. July 16, 1995.

**Overseas Citizens Voting: Federal Elections Only**

**Section 654:20**

**654:20 Overseas Absentee Registration Affidavit.** – Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Overseas Absentee Registration Affidavit

I, \_\_\_\_\_, do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That I am a United States citizen; Place of Birth: City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_;  
2) That I have been domiciled in a country outside the boundaries of the United States since \_\_\_\_\_;  
(month) (year)

3) That I hold a valid passport or card of identity with Registration No. \_\_\_\_\_ issued by the United States Secretary of State;

4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address:

\_\_\_\_\_  
Street and Number or Rural Route, etc.

\_\_\_\_\_  
City or Town

5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state; Date of Birth: \_\_\_\_ (mm)/ \_\_\_\_ (dd)/ \_\_\_\_ (yyyy);

6) That I do NOT maintain a domicile, am NOT registered to vote, and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;

7) That my party affiliation (if any) is \_\_\_\_\_

8) That my permanent address outside the boundaries of the United States is:  
\_\_\_\_\_



Street or Route Number

City, Province, Country

9) That I hereby make application for the addition of my name to the checklist of \_\_\_\_\_, New Hampshire, as an overseas citizen living outside the boundaries of the United States entitled to vote in any federal election held therein.

Signature of Applicant

Date

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.

**Source.** 1979, 436:1. 1988, 209:2. 2003, 289:31, eff. Sept. 1, 2003. 2009, 214:2, eff. Sept. 13, 2009.

### **Section 654:21**

**654:21 Forwarding.** – Each such affidavit shall be directly forwarded to the applicant by the city or town clerk or by the secretary of state.

**Source.** 1979, 436:1. 1988, 209:3, eff. June 28, 1988.

### **Section 654:22**

**654:22 Execution of Affidavit and Certificate.** – [Repealed 1988, 209:13, eff. June 28, 1988.]

### **Section 654:23**

**654:23 Effect.** – Unless the supervisors of the checklist shall be of the opinion that the applicant does not qualify as an overseas voter in the city or town as provided in RSA 654:3, domiciled outside the United States, they shall, at their next session for the correction of the checklist subsequent to their receipt of such affidavit properly executed, cause his or her name to be added to the checklist together with a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, such person shall be entitled to vote by overseas citizens absentee ballot at both federal primary and general elections. If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial.

**Source.** 1979, 436:1. 1988, 73:2; 209:4. 2003, 289:52, eff. Sept. 1, 2003.

## **Voters in Unincorporated Places**

### **Section 654:24**

**654:24 Registration.** – Domiciliaries of unincorporated places shall register to vote as provided in RSA 668.

**Source.** 1979, 436:1. 2003, 289:32, eff. Sept. 1, 2003.

## **Checklists: All State Elections**

### **Section 654:25**

**654:25 Preparing Checklist.** – The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address, and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. Every checklist used at any election shall contain the full name, address, and party affiliation, if any, of each voter on the checklist. The name and address of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B. The name, address, and mailing address, if different, of such a voter shall be maintained on a separate list of voters, which shall be nonpublic and not subject to RSA 91-A. If it is necessary to establish such a nonpublic list, the public checklist shall be marked at the end with a notation of the number of voters whose names are maintained on the nonpublic list.

**Source.** 1979, 436:1. 1983, 429:1. 1987, 337:2. 1990, 119:2. 1991, 245:1. 1999, 240:6. 2003, 13:1. 2004, 229:4, eff. Aug. 10, 2004.

### **Section 654:26**

**654:26 Posting Checklist.** – The supervisors shall make and post copies of the current checklist at the office of the town or city clerk or at the town hall not later than the fourth Tuesday before the day of any state election.

**Source.** 1979, 436:1. 1987, 299:3. 1990, 119:3, eff. June 18, 1990.

### **Section 654:27**

**654:27 Session for Correction.** – In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday

weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

**Source.** 1979, 436:1. 1990, 119:4. 1996, 36:1. 1998, 194:3. 2001, 272:1. 2003, 27:2, eff. July 1, 2003.

### **Section 654:28**

**654:28 Procedure.** – The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 11:30 a.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

**Source.** 1979, 436:1. 1983, 273:1; 426:23. 1990, 119:5. 1996, 36:2. 2001, 272:2. 2003, 27:3, eff. July 1, 2003.

### **Section 654:29**

#### **654:29 Certification of List.** –

I. The supervisors shall subscribe and make oath to the following certificate on the checklist, as corrected by them: We, the supervisors of the checklist of the town (or ward) of \_\_\_\_\_ do solemnly swear that, according to our best knowledge, the within list contains \_\_\_\_\_ (number) names of those persons only who are, by actual domicile, legal voters in said town (or ward).

II. They shall file 2 true copies of the corrected list, attested by them, with the town clerk. The checklists so corrected shall be used at the election. Any person who swears falsely in making such certificate shall be guilty of perjury.

**Source.** 1979, 436:1. 1981, 454:4. 1990, 119:6, eff. June 18, 1990.

### **Section 654:30**

**654:30 Correcting Data Files.** – After each state election, the supervisors shall use the checklist from such election to correct the standard data files to conform to any changes which are evident from the checklist. Information from the voter registration data file shall be available as provided in RSA 654:31-a.

**Source.** 1979, 436:1. 2004, 229:5, eff. Aug. 10, 2004.

### **Section 654:31**

#### **654:31 Availability of Checklist and Voter Information.** –

I. In this section:

(a) ""Checklist information" means the data, in any form, required to be placed on the public checklist by RSA 654:25, when that data is obtained or derived from a checklist or from the statewide centralized voter registration database maintained by the secretary of state.

(b) ""Commercial purposes" means knowingly using, selling, giving, or receiving the checklist information for the purpose of selling or offering for sale any property or service unrelated to an election or political campaign.

(c) ""Nonpublic checklist" means the checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic.

(d) ""Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section.

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist shall furnish one or more copies of the most recent public checklist of their town or city to any person requesting such copies. The supervisors of the checklist may only provide checklist information for their town or city. The supervisors of the checklist shall charge a fee of \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist shall charge a fee of \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.

III. Any person may view the data that would be available on the public checklist, as corrected by the supervisors of the checklist, on the statewide centralized voter registration database maintained by the secretary of state at the state records and archives center during normal business hours, but the person viewing data at the state records and archives center may not print, duplicate, transmit, or alter the data.

IV. The secretary of state shall, upon request, provide to a political party, as defined in RSA 664:2, IV, or to a political committee, as defined in RSA 664:2, III, a list of the name, street address, mailing address, town or city, voter history, and party affiliation, if any, of every registered voter in the state. The secretary of state shall, upon request, provide to a candidate for county, state, or federal office a list of the name, street address, mailing address, town or city, voter history, and party affiliation, if any, of every registered voter in the state or in the candidate's district. In this section, ""voter history" means whether the person voted and, for primary elections, in which party's primary the person voted, in each state election for the preceding 2 years. The secretary of state shall charge a fee of \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the list provided under this section. In addition, the secretary of state shall charge and collect on behalf of and remit to the supervisors of the checklist of each city and town the amount that such supervisors would have charged had the public checklist of their city or town been purchased from them. The secretary of state may provide lists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form.

V. Except for fees collected on behalf of a city or town, fees collected by the secretary of state under this section shall be deposited in the general fund. Fees collected by a town or city or by the secretary of state on behalf of a city or town under this section shall be for the use of the town or city.

VI. No person shall use or permit the use of checklist or voter information provided by any supervisors of the checklist or by the secretary of state for commercial purposes. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

The secretary of state may insert inauthentic entries into copies of the public checklist provided under this section for purposes of facilitating enforcement of this paragraph.

VII. This section shall not be construed to restrict the transfer of checklist information to the state or federal courts as required by RSA 654:45 for any lawful purpose.

**Source.** 1979, 436:1. 1981, 147:1. 1987, 337:1. 2006, 305:1, eff. Aug. 18, 2006. 2008, 10:1, eff. May 5, 2008. 2009, 144:219, eff. July 1, 2009.

### **Section 654:31-a**

**654:31-a Right to Know Exemption.** – The information contained on the checklist of a town or city, specifically, the name, street address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter and domicile affidavits, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter and domicile affidavits, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

**Source.** 2003, 289:53. 2006, 94:1, eff. July 8, 2006; 305:3, eff. Aug. 18, 2006. 2009, 278:2, eff. Jan. 1, 2010.

## **Checklists: Additional Provisions for Primary Elections**

### **Section 654:32**

**654:32 Hearings on Alterations to Party Registration.** – Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Before the state primary election, the session shall be on Tuesday before the first Wednesday in June between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours.

**Source.** 1979, 436:1; 400:2. 1981, 308:2. 1983, 273:2. 1987, 219:1. 1994, 4:4. 2003, 27:4, eff. July 1, 2003.

### **Section 654:33**

**654:33 Posting Copies; Notice of Sessions.** – The supervisors shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, at the office of the town or city clerk or at the town hall at least 10 days prior to any session provided for in RSA 654:32; and notice of the date, hour and place of the session or sessions to revise such registration shall be given upon such checklist.

**Source.** 1979, 436:1. 1990, 119:7, eff. June 18, 1990.

### **Section 654:34**

#### **654:34 Change of Registration.** –

I. Change of registration of a voter whose party membership has been previously registered.

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them under oath or affirmation, if required, that:

(1) He intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary, upon making oath or affirmation to the same effect, but he shall not be permitted in such case to vote the ballot of any party at such primary.

II. Change of registration of a voter who has been registered as an undeclared voter.

(a) Any legal voter who has been registered as an undeclared voter may register as a member of the party of the voter's choice by appearing before the supervisors of the checklist for the voter's town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which the voter offers to register, in which case the voter shall be registered as a member of such party.

(b) A voter may also register as a member of a party at any primary by requesting to be registered as a member and voting the ballot of the party of the voter's choice. A voter may also register once again as an undeclared voter after voting in a primary as a registered member of a party by returning the card provided for in paragraph V to the person at the polls designated by the town or city clerk to accept the card. All such cards shall be in the possession of the supervisors of the checklist at the close of the polls on election day.

III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change the person's party registration, unless, prior to voting in the primary, the person was registered as an undeclared voter, in which case the person may once again register as an undeclared voter, as provided in subparagraph II(b).

IV. No person, who is already registered to vote, whether his party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election.

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

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

To: Undeclared [ ]

Signed under the pains and penalties of perjury.

(b) The supervisors of the checklist, upon receipt of such a card, shall keep it until their next session of supervisors of the checklist for changing party registration at which time the sender's party registration shall be changed as indicated on the card.

**Source.** 1979, 400:3, 4; 436:1. 1981, 308:3-5. 1987, 129:2. 1993, 193:2-5, eff. Aug. 8, 1993.

### Section 654:34-a

#### **654:34-a Application to Town or City Clerk; Changes to be Forwarded. –**

I. A town or city shall permit changes in party affiliation to be registered with a town or city clerk.

II. In addition to the methods of changing party affiliation provided in RSA 654:34, any person whose name appears on the checklist of a town or ward may apply to the town or city clerk for the purpose of having his party affiliation changed. A person desiring to change his party affiliation shall state to the town or city clerk under oath or affirmation that:

(a) He intends to affiliate with and generally supports the party with which he offers to register; or

(b) He does not wish to be registered as a member of any party.

III. No application for a change of party affiliation shall be accepted on the day of a primary election, except as provided in RSA 654:34, I and II.

IV. Any application made under the provisions of this section shall be made during the regular office hours of the town or city clerk.

V. Town and city clerks shall have power to administer oaths to the applicants that appear before them for the purposes of this section.

VI. Any application made under the provisions of this section shall be signed and dated by the applicant.

VII. The town or city clerk shall present to the next meeting of the supervisors of the checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any person who made application to him for a change of party affiliation and the name of the party with which he desires to be affiliated or that he desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited by the provisions of RSA 654:34, IV shall be retained by the supervisors; and the change shall be made as soon as permitted by law.

**Source.** 1979, 400:1. 1981, 308:6. 1992, 287:5. 1994, 218:3, eff. May 25, 1994.

### Section 654:34-b

**654:34-b Procedure for Adoption. –** [Repealed 1992, 287:4, eff. July 17, 1992.]

### Section 654:35

**654:35 Corrected List. –** After a pre-primary session, the supervisors shall prepare a corrected checklist showing the registration of party members as corrected by them; and such checklist with the corrections that shall have been made in the sessions provided for in RSA 654:27 through 654:32 shall be used at the primary.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Periodic Maintenance and Verification of Checklists

### Section 654:36

**654:36 Reports of Transfer. –** If the supervisors of the checklist have received a notice of transfer from another board of supervisors of the checklist in the state of New Hampshire that a voter whose name is on the checklist has been added to the checklist of some other town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. They shall retain the notice as proof of their reasoning in striking the name from the checklist.

**Source.** 1979, 436:1, eff. July 1, 1979.

### Section 654:36-a

#### **654:36-a Request to Correct the Checklist. –**

I. A supervisor of the checklist, the town or city clerk, or any other person, may submit a request for correction of the checklist to the supervisors of the checklist or to the town or city clerk based upon evidence that a person listed on the checklist is not qualified as a voter in the town or ward. The clerk shall forward requests for correction of the checklist to the supervisors of the checklist. At the next session of the supervisors, they shall examine the requests and determine whether or not it is more likely than not that the person's qualifications are in doubt.

II. If the supervisors of the checklist determine that it is more likely than not that the person's qualifications are in doubt, they shall send a notice to the person and afford the person at least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day notice or responds but fails to provide proof that establishes that it is more likely than not that the person is qualified to vote in the town or ward, the person's name shall be removed from the checklist.

**Source.** 2006, 243:1, eff. July 31, 2006.

## Section 654:36-b

**654:36-b Reports of Change of Address.** – If the supervisors of the checklist receive a report from the United States Postal Service or the department of safety directly or as communicated by the secretary of state through the centralized voter registration database that a voter has permanently changed his or her address to another town, city, or state, they shall strike that name from the checklist at the next session for the correction of the checklist. As an alternative, the supervisors of the checklist may first send a 30-day notice letter and then shall remove the name from the checklist if the voter does not respond to that notice.

**Source.** 2006, 243:1, eff. July 31, 2006.

## Section 654:37

**654:37 Reports of Death.** – Whenever there is filed in his office an official notice of the death of any person or persons of the age of 18 years or over, the town or city clerk shall notify the supervisors of the checklist of said deaths by submitting a notice of same to the supervisors at their next regular meeting. Upon receipt of such notice, the supervisors shall examine the checklist; and, if the name of said deceased person appears thereon, it shall be removed prior to the next election. Any supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist after receiving such notice from the town or city clerk shall be guilty of a violation.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:38

**654:38 Verification of Checklists.** – On petition of 50 registered voters or 5 percent of the registered voters in any town or ward, whichever is less, or on petition of a majority of the board of supervisors of the checklist filed with the secretary of state no later than the fifth Friday after a state election, the ballot law commission shall conduct an investigation to determine whether or not there should be a revision and verification of the checklist of said town or ward. At least one public hearing duly advertised in a newspaper of general circulation in said town or city shall be held by the commission at such time and place it may determine. In the event of an affirmative decision, the commission shall direct the supervisors to revise and verify such checklist. Thereupon the supervisors shall revise and verify such checklist in the following manner:

I. Between April 1 and August 1 in the next even-numbered year, the supervisors shall advertise notice of their sessions at least twice in a newspaper of general circulation in the town or city and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

II. Beginning June 1, and not later than 60 days thereafter, the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or reregistered under paragraph I of this section; provided that there shall not be stricken from said checklist the name of any person duly qualified to vote unless such person shall, not less than 30 days prior to such action, have been sent notice by the supervisors at his last known address of his failure to reregister stating the procedure to be followed in order to reregister and have his name retained on said checklist nor unless such person shall have been given a reasonable opportunity to follow said procedure.

III. Upon completion of verification of the checklist, but, in no event later than September 1, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist of the town (or ward \_\_\_) of \_\_\_, do hereby certify that we have verified the checklist of registered voters in the town (or ward \_\_\_ of the city) of \_\_\_ as directed by the ballot law commission.

IV. In verifying the checklist in accordance with the provisions hereof, the supervisors shall not register or reregister any person unless he is a duly qualified voter as required by the provisions of RSA 654:1-654:6.

V. The supervisors may appoint such temporary assistant supervisors as may be necessary, but who shall have none of the powers and duties of supervisors. As compensation for services performed hereunder, the supervisors and assistant supervisors shall receive such sums as may be voted by the city government or town meeting of the city or town in which they serve.

**Source.** 1979, 436:1. 1994, 4:5, eff. May 27, 1994.

## Section 654:39

### **654:39 Verification Every 10 Years.** –

I. In addition to any verification carried out under the provisions of RSA 654:38, the supervisors shall verify the checklist in 1981 and once every 10 years thereafter.

II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the supervisors shall advertise and post notice of their sessions at least twice in a newspaper of general circulation and at the office of the town or city clerk or at the town hall and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

III. Beginning June 1 of such year, the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or reregistered under paragraphs I and IV; provided, that there shall not be stricken from said checklist the name of any person duly qualified to vote unless such person, not less than 30 days prior to such action, shall have been sent notice by the supervisors at his last known address of his failure to reregister stating the procedure to be followed in order to reregister and have his name retained on said checklist nor unless such person shall have been given a reasonable opportunity to follow said procedure.

IV. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if:

(a) The person voted in either of the 2 previous state general elections immediately preceding a 10-year verification; or

(b) The person voted in the annual town election in the year of a 10-year verification or, if in a city, the most recent regular city election held prior to the verification.

V. Upon completion of verification of the checklist, but in no event later than September 1, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist (or registrars of voters) of the town (or ward \_\_\_\_\_) of \_\_\_\_\_, do hereby certify that we have verified the checklist of registered voters in the town (or ward \_\_\_\_\_ of the city) of \_\_\_\_\_, pursuant to the provisions of RSA 654:39.

VI. In verifying the checklist in accordance with this section, the provisions of RSA 654:38, IV and V shall apply.

**Source.** 1979, 306:1; 436:1. 1990, 119:8, 9, eff. June 18, 1990.

# Checklists: Special Provisions

## Section 654:40

**654:40 Checklist for Additional Polling Place.** – In towns which have established an additional polling place as provided in RSA 658:10, a separate checklist shall be prepared as provided in RSA 658:12.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:41

**654:41 Checklists for Unincorporated Places.** – Checklists for voters in unincorporated places shall be prepared and corrected as provided in RSA 668.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:42

**654:42 Complaint to Superior Court.** – Any citizen of the state may, in term time or vacation, file a complaint with the superior court stating that his name is illegally kept from, or his name or that of some other citizen is illegally placed upon, the checklist of a town or ward, and the facts upon which the complaint is based. Said complaint shall be deemed sufficient if it sets forth the basis of the complaint and may be filed by the complainant with the clerk of court or any justice thereof. The complainant may appear with or without counsel. Thereupon, the presiding justice in term time, or any justice of the superior court in vacation, shall order that a copy of the complaint be served on the supervisors of the checklist of the town and on the citizens other than the complainant named in the petition and shall set a time and place for an immediate hearing. The justice hearing the case may order the name of the voter concerning whom the complaint is made to be added or removed from the checklist as justice requires, and his decision shall be final on questions of fact as in equity cases.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:43

**654:43 Penalty for Failure to Keep Correct List.** – The supervisors of the checklist shall be guilty of violations if the supervisors at any session held for the correction of the checklist, on receiving satisfactory evidence:

- I. Shall neglect or refuse to strike from the list the name of any person who is not a legal voter; or
- II. Shall neglect or refuse to insert on the list the name of any person who is a legal voter; or
- III. Shall neglect or refuse to hear or examine any evidence offered for such purpose in either of these cases under paragraphs I and II; or
- IV. Shall at any time knowingly insert on the list the name of any person not a legal voter; or
- V. Shall knowingly strike out therefrom or omit to insert the name of any legal voter.

**Source.** 1979, 436:1, eff. July 1, 1979.

## Section 654:44

**654:44 Removing Names from Checklist; Notice Required.** –

I. The supervisors shall remove no person's name from the checklist of their town or ward unless they shall send notice by mail to the last known address of the person whose name they wish to remove from the checklist stating the reason they are considering removing such person's name from the checklist. Such notice shall also state the time and the place at which the supervisors shall meet to consider the removal of that person's name and shall give the date of such meeting which shall be at least 30 days after they send such notice. At such meeting, the person whose name the supervisors wish to remove shall have a chance as he wishes to state in person or to present in writing personally, or by mail or other messenger, or by any such combination of these as he chooses, the reasons why his name should be left on the checklist. The supervisors shall not remove a person's name from the checklist until after the completion of the written or oral statement, if any, of the person whose name they wish to remove from the checklist at the meeting held at least 30 days after they sent the notice this section requires. The supervisors shall keep records as proof of compliance with this paragraph.

II. The provisions of this section do not apply to the removal of the names of persons for whom the supervisors have received a report of transfer or death as provided in RSA 654:36 or 654:37, nor to the removal of names during the period for verification of the checklist as provided in RSA 654:38 or 654:39, nor to the removal of names of persons for whom they have received a notice from a duly authorized board of registration from a community outside New Hampshire stating that a person whose name is on the checklist of the town or ward in New Hampshire has registered to vote outside New Hampshire.

**Source.** 1981, 378:1, eff. Aug. 22, 1981.

# Centralized Voter Registration Database

## Section 654:45

**654:45 Centralized Voter Registration Database.** –

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the information on the voter registration form and the voter checklists maintained by each city, ward, and town in the state.

II. Any election official in the state authorized by this chapter to have direct access to the voter database may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction. The office of the clerk is hereby designated as a database access point for each town or city. The secretary of state may authorize additional database access points in a town or city, including election day access points at polling places.

III. The voter database shall, upon certification by the secretary of state, be the official record of eligible voters for the conduct of all elections held in this state.

IV. (a) The voter database shall have the following minimum components:

(1) An electronic communications system that provides access for election officials from at least one point in each city and town within the state.

(2) An interactive computer program allowing local election officials access to records contained in the database with a process to add, delete, modify, or print a voter registration record related to the election official's jurisdiction. The system shall be designed so that there can be regular updates to the database, the records reflect the name of each registered voter with no duplication, and the names of ineligible voters are removed. The system shall contain safeguards to ensure that the names of properly registered voters are not removed in error.

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information contained in the voter database. The link authorized by this subparagraph shall not allow the department of state or election officials direct access to the motor vehicle registration or driver's license records maintained by the division of motor vehicles. The commissioner of safety may authorize the release of information from motor vehicle registration and driver's license records to the extent that the information is necessary to department of state and department of safety cooperation in a joint notification to individuals of apparent discrepancies in their records and to the extent that the information is necessary to resolve those discrepancies. The commissioner of safety and the secretary of state are authorized to enter into an agreement that establishes the services to be provided by the department of safety and the cost for those services. The department of safety shall not be required to provide any services under this subparagraph unless an agreement is in place and there are sufficient funds in the election fund to pay the cost for the services. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

(c) Access by local election officials to the voter database shall be limited to the supervisors of the checklist, city registrars and deputy registrars, and town or city clerks and their deputies, as determined by the secretary of state. Access by local election officials shall be subject to the limitations of paragraph VI, and shall be limited to the records of individuals who are currently registered to vote in the official's jurisdiction and individuals who are applying to register to vote in the official's jurisdiction.

V. The secretary of state shall:

(a) Specify the employees of the department of state authorized to access records contained in the voter database, subject to the limitations of paragraph VI.

(b) Provide adequate technological security measures to deter unauthorized access to the records contained in the voter database.

(c) Issue guidelines to implement the voter database.

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

**Source.** 2003, 266:3. 2006, 305:2, eff. Aug. 18, 2006.

## **Section 654:46**

**654:46 Party Access to Voter Information.** – [Repealed 2008, 10:2, eff. May 5, 2008.]