

2013 ELECTION LAW CHANGES

Ch. 278
HB 595 Eff. 7.24.13
NEW

RSA 21-N:4 Department of Education; Duties of Commissioner. *XI. Provide to the secretary of state in August of each year a list or lists of all colleges, universities, and career schools approved or licensed to operate in New Hampshire, all public high schools, and all nonpublic high schools in New Hampshire accredited by a private school accrediting agency recognized by the department of education.*

Ch. 217, **2012**
Eff. 7/1/2013
Amend

32:5, V-a. Budget Preparation; Tally Requirement. *V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article, the governing body may do so on its own initiative.*

Ch. 217, **2012**
Eff. 7/1/2013
Amend

40:13, V-a. Use of Official Ballot; Tally Requirement. *V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body, or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles or ballot questions shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article or on the ballot next to the affected ballot question. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article or on the ballot next to the affected ballot question, the governing body may do so on its own initiative.*

Ch. 116
HB 138 Eff. 8.24.13
amend

RSA 40:13, VI. All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session. All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended. *For any article that proposes the adoption or amendment of an ordinance, a topical description of the substance of the ordinance or amendment, which shall be neutral in its language, may be placed on the official ballot instead of the full text of the ordinance or amendment, subject to the provisions of paragraphs VII-a and VIII-a. With respect to the adoption or amendment of a zoning ordinance, historic district ordinance, or building code, the provisions of RSA 675:3 shall govern to the extent they are inconsistent with anything contained in this paragraph or in paragraph VII-a or VIII-a.*

Ch. 116
HB 138 Eff. 8.24.13
NEW

RSA 40:13, VII-a. *When a topical description of the substance of a proposed ordinance or amendment to an ordinance is to be placed on the official ballot, an official copy of the proposed ordinance or amendment, including any amendment to the proposal adopted the first session, shall be placed on file and made available to the public at the office of the clerk of the political subdivision not later than one week prior to the date of the second session of the annual meeting. An official copy of the proposed ordinance or amendment shall be on display for the voters at the meeting place on the date of the meeting.*

Ch. 116
HB 138 Eff. 8.24.13
NEW

RSA 40:13, VIII-a. *A question as to the adoption or amendment or an ordinance shall be in substantially the following form: "Are you in favor of the adoption of (amendment to) the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed ordinance or amendment)?" In the event that there shall be more than a single proposed amendment to an ordinance to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following*

manner: “Are you in favor of the adoption of Amendment No. ___ to the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed amendment)?”

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HB 595 Eff. 7.24.13
NEW

RSA 187-A:2-c Identification Cards. *If a college or university of the university system issues identification cards to students, all cards issued after January 1, 2014 shall bear a date of issuance.*

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RSA 188-F:3-b Identification Cards. *If a college of the community college system issues identification cards to students, all cards issued after January 1, 2014 shall bear a date of issuance.*

Ch. 261
SB 35 Eff. 7.1.13
Repealed and re-
enacted

RSA 500-A:1, IV. “Master jury list” means the list blended and compiled from the voter lists, which shall be provided by the secretary of state pursuant to RSA 654:45, VI on encrypted removable media, and from the official record of persons 18 years of age or older who hold a current New Hampshire driver’s license or a department of safety identification card, which shall be provided by the department. Information contained in the master jury list shall be private and confidential and shall not be subject to RSA 91-A.

Ch. 261
SB 35 Eff. 7/1/13
amend

RSA 500-A:2 Preparation of Master Jury List. The office shall annually *provide* to the clerk of court a master jury list for each county or judicial district thereof. A duplicate list shall be retained by the office. Voter lists and department of safety lists, as well as the master jury list, are confidential documents to be used by the office and the respective trial courts only for purposes of jury selection. *Voter lists shall contain only the names and addresses of persons listed; additional information, such as date of birth, shall be available to the office only for the purpose of resolving discrepancies in the master jury list.*

Ch. 209
HB 308 Eff. 9/8/13
amend

RSA 654:31, II. Availability of Checklist. 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 *or city or town clerk* 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 *or city or town clerk* may only provide checklist information for their town or city. The supervisors of the checklist *or city or town clerk* 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 *or city or town clerk* 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 *or city or town clerk* may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.

Ch. 209
HB 308 Eff. 9.8.13
amend

RSA 654:31, VI. No person shall use or permit the use of checklist or voter information provided by any supervisors of the checklist *or city or town clerk* 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.

Ch. 14
HB 309 Eff. 7.7.13
amend

RSA 655:16 Personal Filing. Except for those who must file with a town or city clerk, any person who files on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees. *If the person must file with a town or city clerk and is filing on the last day of the filing period, he or she shall do so in person.*

Ch. 14
HB 309 Eff. 7.7.13
amend

RSA 655:17 Declaration of Candidacy. Change “and am a qualified voter herein;” to “and am a *registered* voter herein;”

Ch. 228
SB 76 Eff. 9.13.13
amend

RSA 655:38 Disqualification of Candidate. If a candidate to be voted for at the general election shall make oath between the date of the candidate’s nomination and the day of the election that he or she does not qualify for the public office which he or she seeks because of age, domicile, or incapacitating physical *or mental* disability acquired subsequent to the primary, the secretary of state may remove said person’s name from the ballot. *Any such oath citing an incapacitating physical or mental disability shall be accompanied by a letter from a licensed physician confirming such a condition.* A new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within 3 days of the notice of disqualification. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

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HB 308 Eff. 9.8.13
amend

RSA 656:28 Sample Ballots. The secretary of state shall furnish 10 sample state primary election ballots of each political party printed on *tinted* paper to each town or ward clerk and, upon request, a reasonable number of such sample ballots to each person whose name appears upon the ballot as a candidate. Each town or ward clerk shall post one sample ballot of each political party in each of 2 public places in the clerk’s town or ward within one day of receiving such sample ballots and save the remainder to be posted on the day of the primary as provided in RSA 658:26.

Ch. 278
HB 595 Eff. 7.24.13
Repealed and Re-enacted

RSA 659:13 II.(a) Obtaining a ballot. *II.(a) A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual’s voter registration record; it also shall show a photograph of the individual to whom the identification was issued. The photo identification shall also have an expiration date that has not been exceeded by a period of more than 5 years, except that a voter 65 years of age or older may use an otherwise qualified form of identification without regard to expiration date, and except that student identification cards shall comply with the date requirements in subparagraph (5). The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:*

(1) A driver’s license issued by any state or the federal government.
(2) An identification card issued under RSA 260:21 or a nondriver’s identification card issued by the motor vehicles division, department, agency, or office of any state.

(3) A United States armed services identification card.

(4) A United States passport or passcard.

(5) A valid student identification card if:

(A) The card is issued by:

(i) A college, university, or career school in New Hampshire and approved to operate or licensed to operate in New Hampshire.

(ii) A public high school in New Hampshire.

(iii) A nonpublic high school in New Hampshire accredited by a private school accrediting agency that is recognized by the department of education.

(iv) Dartmouth College.

(v) A college or university operated by the university system of New Hampshire or the community college system of New Hampshire.

(B) The card has either an expiration date or an issuance date that has not been exceeded by a period of more than 5 years, except that, at all elections prior to September 1, 2018, student identification cards without a date of expiration or issuance shall be accepted.

(b) In addition to the forms of photo identification authorized in subparagraph (a), the following shall satisfy the identification requirements of paragraph I:

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HB 595 Eff. 9.1.15
amend

(1) A photo identification not authorized by subparagraph (a) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(2) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.

(c) The secretary of state shall post the lists of educational institutions provided by the commissioner of the department of education under RSA 21-N:4, XI on the department of state's website, and otherwise shall make such lists available to local election officials.

RSA 659:13, II (a) A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued. *The photo identification shall also have an expiration date that has not been exceeded by a period of more than 5 years, except that a voter 65 year of age or older may use an otherwise qualified form of identification without regard to expiration date, and except that student identification cards shall comply with the date requirements in subparagraph (5).* The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

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

(2) An identification card issued under RSA 260:21 or a nondriver's identification card issued by the motor vehicle division, department, agency, or office of any other state.

(3) A United States armed services identification card.

(4) A United States passport or passcard.

(5) A valid student identification card if:

(A) The card is issued by:

(i) A college, university, or career school in New Hampshire and approved to operate or licensed to operate in New Hampshire.

(ii) A public high school in New Hampshire.

(iii) A nonpublic high school in New Hampshire accredited by a private school accrediting agency that is recognized by the department of education.

(iv) Dartmouth College.

(v) A college or university operated by the university system of New Hampshire or the community college system of New Hampshire.

(B) The card has either an expiration date or an issuance date that has not been exceeded by a period of more than 5 years, except that, at all elections prior to September 1, 2018, student identification cards without a date of expiration or issuance shall be accepted.

(6) A challenged voter affidavit in accordance with subparagraph I(c).

(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.

(c) The secretary of state shall post the lists of educational institutions provided by the commissioner of the department of education under RSA 21-N:4, XI on the department of state's website, and otherwise shall make such lists available to local election officials.

Ch. 106
HB 352 Eff. 8.23.13
amend

RSA 659:102 Preservation of Checklists. *Within 90 days of the closing of the polls for each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition,(no changes in rest of paragraph)....*

Ch. 231
SB 112 Eff. 9.13.13
amend

RSA 663:3 Form of Ballot. The following words shall be printed above the constitutional amendment questions on all ballots containing such questions: “Questions Relating to Constitutional Amendments Proposed by the Convention to Revise the Constitution” or “*Questions Relating to Constitutional Amendments Proposed by the Legislature to Revise the Constitution,*” *whichever is appropriate.* A constitutional question shall include, in the text of the question, the text of the article of the constitution as it is proposed to be amended, and the results of the vote taken on ordering the proposed amendment to third reading in both the senate and the house of representatives or at the constitutional convention, whichever is appropriate.

Ch. 231
SB 112 Eff. 9.13.13
amend

RSA 663:3-a Voter’s Guides. *I. If the general court proposes the constitutional amendment, the text of the statement for the voter’s guide, if any, shall be included in the resolution proposing the constitutional amendment.* The joint committee on legislative facilities may authorize the printing or *distribution of the voter’s guide.*

II. If the constitutional convention proposes the constitutional amendment, the text of the statement for the voter’s guide, if any, shall be included in the resolution proposing the constitutional amendment.

Ch. 209
HB 308 Eff. 9.8.13
amend

RSA 664:6, IV. Any political committee whose receipts or expenditures do not exceed \$500 for a reporting period need not file. However, when a committee’s accumulated receipts or expenditures for an election exceed \$500 the committee shall file a statement at the next reporting deadline, *and shall continue to file at each reporting deadline.*

Ch. 24
HB 206 Eff. 7.15.13
amend

RSA 664:17 Placement and Removal of Political Advertising. No political advertising shall be placed.....land over which the right-of-way passes. No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except *for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising.* Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept *until one week after the election* at a place designated by the state, city or town so that the candidate may retrieve the items.

Ch. 70
HB 506 Eff. 6.6.13
NEW

RSA 669:7 *Notwithstanding RSA 669:7 or any other provision of law, the town of Derry may combine the position of tax collector and treasurer.*

Ch. 114
HB 115 Eff. 8.24.13
amend

RSA 671:33, IV. *In a cooperative school district, the remaining budget committee members representing the same town or towns as the departed member shall fill a vacancy on the budget committee, provided that there are at least 2 such members. If there are less than 2 remaining members on the budget committee representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. If the vacancy is for the cooperative school board representative to the cooperative school district budget committee, such vacancy shall be filled by the cooperative school board. A member appointed to fill a vacancy under this subparagraph shall serve until*

the next district election when the voters of the district shall elect a replacement for the unexpired term.

The following RSA's were to be amended effective September 1, 2013 at 12:01 a.m. pursuant to Chapter 284; Laws of 2012. **They will now take effect on September 1, 2015 at 12:01 a.m. pursuant to Chapter 278; Laws of 2013.**

RSA 5:6-d, III Election Fund Reimbursement (amendment)

RSA 658:29 Statutes Posted (amendment)

RSA 658:29-a Proof of Voter Identity Instructions to be Posted (amendment)

RSA 659:13 Obtaining a Ballot (all except II, which is amended in 2013 and again in 2015)

RSA 659:13-b Affidavit of Religious Exemption (new)

RSA 654:31-a Right to Know Exemption (amendment)

RSA 33-A:3-a CLVI Disposition and Retention Schedule (amendment)