

ELECTION LAW CHANGES – 2015

**RSA 40:4-c, I. Recount; Deadline.** I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at said meeting on any question, affecting said town only, legally appearing on the official Australian or nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not earlier than 5 days nor later than 10 days after the receipt of said application. *The clerk shall give notice by mail of the recount to the first-named voter who applied for a recount on a question and to any other person who requested notice in writing, at least 3 days prior to the day appointed for the recount of ballots. Notice of the time and place of the recount shall be posted in 2 public places at least 24 hours prior to the recount.* The applicants for such recount shall pay to the town clerk a fee of \$10 for conducting the recount.

Ch.159 (HB 133)  
Eff. 8/25/15

**RSA 40:11 Consideration of Warrant Articles.** Every article included in a warrant for a town meeting shall be acted upon before final adjournment of the town meeting.

Ch.129 (HB 102)  
Eff. 8/11/15

**RSA 607-A:2, I. Rights Lost.** I. A person sentenced for a felony, from the time of his or her sentence until his or her final discharge, may not: (a)...add he or she is paroled...he or she may vote.....suspension or parole; or (b) *Seek the nomination of a political party or become a candidate for or hold public office.*

Ch.99 (HB 545)  
Eff. 8/4/15

**RSA 654:31-a. Right to Know Exemption.** The information contained on the checklist of a town or city, specifically, the name, domicile 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, *affidavit of religious exemption*, 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, *affidavits of religious exemption*, 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.

Ch.278 Laws of  
2013 Eff: 9/1/15  
12:01 am.

**RSA 655:10, I.** No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section, incompatible offices shall include the offices of governor, United States senator, United States representative, representative to the general court, state senator, councilor, *county commissioner*, county sheriff, county attorney, county treasurer, register of deeds, and register of probate. If any person shall file for incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said office he or she wishes to retain in order to seek said nomination. [strike last sentence]

Ch.58 (HB 149)  
Eff. 8/1/15

**RSA 655:17 Declaration of Candidacy.** I, \_\_\_\_, declare.....I am not a federal employee which makes me ineligible to file as a candidate for this office. *If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2.* I further declare that, if nominated as a candidate for said office or if elected as such delegate.....of said office.

Ch.99 (HB 545)  
Eff. 8/4/15

**RSA 655:17-a Declaration of Intent; Other Candidates.** I, \_\_\_\_, declare that I am domiciled.....assume the duties of said office. *If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2.*

Ch.99 (HB 545)  
Eff. 8/4/15

**RSA 655:29 Qualifications of Candidates.** Add the following sentence to the end of each affidavit for governor, councilor, state senate, and state representative. “.RSA 655:10, that I am not a federal employee, and that I am not a convicted felon who has not yet received a final discharge from sentencing.

Ch.99 (HB 545)  
Eff. 8/4/15

**RSA 656:32 Other Provisions.** The provisions of RSA 656:24-656:28 relating to state primary election ballots shall apply to presidential primary ballots.

Ch.96 (HB 503)  
Eff. 7/5/15

**Commemorative Heading or Endorsement.** *The secretary of state may place a special heading or endorsement on presidential primary ballots commemorating the one hundredth anniversary of the New Hampshire presidential primary and the one hundredth anniversary of the New Hampshire “First-in-the-Nation” presidential primary. This authority shall expire on December 1, 2020.*

Ch.166 (HB 328)  
Eff. 8/25/15

**RSA 657:17 Procedure by Voter.** After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it *or have it delivered by the voter’s spouse, parent, sibling, or child* to the city or town clerk from whom it was sent. *The city or town clerk shall not accept an absentee ballot from a family member unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk.*

Ch.55 (HB 140)  
Eff. 8/1/15

**RSA 658:2 Inspectors of Elections; Appointment.** Each *state* political committee of the 2 political parties which *received* the largest number of votes cast for governor at the last previous general election is authorized *through their respective chairmen* to appoint between May 15 and July 15 of each general election year 2 inspectors of election to act at each polling place. If the number of voters qualified to vote at a polling place shall exceed 2,000, said political committees may each appoint for such polling place one additional inspector for each 1,500 qualified voters or fraction thereof in excess of 2,000. *By April 15 of each general election year, the secretary of state shall provide a list to the chairmen of each such state political committee of the number of inspectors of election that should be appointed for each town or ward. Each such state political committee may also appoint such equal number of additional inspectors as the moderator considers necessary for the efficient conduct of the election. On or before July 15, the chairmen of said political committees shall notify the appointees and the town or ward clerk concerned as to appointments made under this authority. If any such appointments are not made by said political committees and proper notification thereof given on or before July 15, then the appointments shall be made by the selectmen of the town or ward in equal numbers from said 2 political parties.*

Ch.55 (HB 140)  
Eff. 8/1/15

**RSA 658:5 Inspectors of Election; Alternates.** In making appointments of inspectors of elections as provided in RSA 658:2, political committees or, *in the absence of such appointments by a political committee, the town and ward selectmen, in consultation with the moderator,* may designate a list of alternates *to the list of appointed inspectors,* who shall meet the same qualifications as inspectors of elections. *Alternates shall be called in numerical order to serve in case one or more of the principal appointees fails to accept the appointment or is otherwise unavailable to perform his or her duties.*

Ch. 5 (HB 135)  
Eff. 7/4/15

**RSA 658:7-a Qualifications.** An assistant election official appointed as provided in RSA 658:7 shall be *at least 17 years of age as of the date on which such official initiates performance of the duties of office.*

Ch. 196 (HB 493)  
Eff; 7/6/15

**RSA 658:9, V(b)(3) Polling Place Arrangement; Number of Voting Booths.** (3) For all other *state* elections, including the state primary election, one for every 150 voters on the checklist.  
(4) *For all city, town, school district, and village district elections, one for every 200 voters on the checklist.*

Ch. 278; Laws of  
2013-Eff 9/1/15  
12:01 a.m.

**RSA 658:29 Statutes Posted.** *Add RSA 659:13-b to the statutes printed on poster.*

Ch. 278; Laws of  
2013-Eff 9/1/15

**RSA 658:29-a. Proof of Voter Identity Instructions to be Posted.** *The secretary of state shall prepare a notice explaining to voters the photo identification requirement in RSA 659:13, including all permissible methods for proving identity, and directing voters to the department of state’s website or to the town or city clerk to obtain the explanatory document described in RSA 652:26, I, for additional information. Such notice shall also include the penalties as described in RSA 659:34. The governing body of each town or ward shall prominently display this notice for at least 14 days prior to each election held after the effective date of this section. The poster shall be placed outside the guardrail at each polling place at all elections.*

Effective 9/1/15

**RSA 659:13 Obtaining a Ballot.** *I.(a) A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name and address to one of the ballot clerks who shall, if the name is found on the checklist by the ballot clerk, repeat the name and address. If the address announced by voter is different from what appears on the checklist, but is in the same town or ward, the ballot clerk shall*

correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction.

(b) The voter, if the ballot clerk determines that he or she is qualified to vote in the town or ward, and unless challenged as provided for in RSA 659:27 through 659:33, shall then be asked to present proof of his or her identity meeting the requirements of paragraph II. If the voter presents such proof of identity to the ballot clerk, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. If the photo identification is an out-of state driver's license or nondriver's identification card, the ballot clerk shall record the state of issuance on the checklist in accordance with uniform procedures developed by the secretary of state in a color designated for such entries and the supervisors of the checklist or designee shall submit the information to the secretary of state within 30 days of the election. The voter shall then be allowed to enter the space enclosed by the guardrail to mark and cast his or her ballot.

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a challenged voter affidavit. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a challenged voter affidavit, the ballot clerk shall mark the checklist in accordance with uniform procedures developed by the secretary of state.

(2) If the voter executes a challenged voter affidavit, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or larger and be in color. The moderator or his or her designee who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a challenged voter affidavit without a photograph.

(3) If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by an election officer and attached to the challenged voter affidavit.

(4) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a challenged voter affidavit.

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 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).

(7) A photo identification not authorized by subparagraph (1) through (6) but determined to be legitimate by the supervisors of the checklist, the moderator, or the clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(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 clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no verification was made.

(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.

III. If a voter on the nonpublic checklist executes an affidavit in accordance with subparagraph I(c), the affidavit shall not be subject to RSA 91-A.

IV. (a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed by January 10 in every odd-numbered year in the case of persons executing challenged voter affidavits or affidavits of religious exemption at a state primary or general election, or within 90 days after any other election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not 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 voting occurred.

(c) Within 60 days after any election held after November 1, 2012, the secretary of state shall compile a report by voting district of the number of voters who registered or voted on election day but did not present valid photo identification, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

V. (a) The secretary of state shall provide to each town or city the photography equipment, supplies, and printing devices that are necessary to enable it to comply with the photograph provision of subparagraph I(c), along with instructions in their use.

(b) If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the secretary of state may waive a voter's compliance with the photograph requirement of subparagraph I(c).

**RSA 659:13-b Affidavit of Religious Exemption.** The affidavit of religious exemption shall be in the following form: **AFFIDAVIT OF RELIGIOUS EXEMPTION**

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

Domicile Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct. \_\_\_\_\_ (Signature of affiant)

*In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when 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.*

*This affidavit was executed before us on the date shown and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.*

\_\_\_\_\_ (Date)  
\_\_\_\_\_ (Name of Election Officer) \_\_\_\_\_ (Signature of Election Officer)

Ch. 159 (HB 133)  
Eff. 8/2515

**RSA 671:32, III School District Elections; Recount.** III. The fee for the recount shall be paid to the school district clerk for *conducting the recount.*

V3 7.13.15