

CHAPTER 654

VOTERS AND CHECKLISTS

Eligibility

654:1 Voters; 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.

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.

654:2 Temporary Absence or Presence. I. 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 coupled with a verifiable act or acts carrying out that intent. A voter can have only one domicile for voting purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is 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.

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

(b) A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

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

(d) For the purposes of voter registration under RSA 654:7, IV(c), an applicant shall demonstrate an intent to make a place his or her domicile by providing documentation showing that the applicant has a domicile at the address provided on the voter registration form. Such documentation may include, but is not limited to:

- (1) Evidence of residency, as set forth in RSA 654:1, I-a, at an institution of learning in that place;
- (2) Evidence of renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;
- (3) Evidence of purchasing an abode at that place;
- (4) A New Hampshire resident motor vehicle registration, driver's license, or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing that place as his or her residence.
- (5) Evidence of enrolling the person's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;

(6) Identifying that place as the person's physical residence address on state or federal tax forms, other government-issued identification, or other government forms that show the domicile address;

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

(8) Evidence of obtaining public utility services for an indefinite period at that place; or

(9) Evidence of arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual using that facility's address as the individual's domicile address for voting purposes.

(e) An applicant whose domicile is at an abode rented, leased, or owned by another and whose name is not listed on the rental agreement, lease, or deed may provide a written statement from a person who is listed on the rental agreement, lease, or deed, or other reasonable proof of ownership or control of the property or his or her agent who manages the property that the applicant resides at that address, signed by the owner or manager of the property under penalty of voting fraud if false information is provided.

III. An individual applying for registration as a voter 30 or fewer days before an election shall use the election day registration form required by RSA 654:7, IV(c) which shall require the applicant to provide the date he or she established his or her voting domicile in New Hampshire. The registration form shall require the voter to identify and provide evidence of a verifiable action he or she has taken carrying out his or her intent to make the place claimed on the voter registration form his or her domicile.

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

V. The supervisors of the checklist, as soon as practical following an election, shall determine which registrants of that election acknowledged there was no evidence of intent to be domiciled at their address or relied solely on an acknowledgement of domicile evidence obligation to register and vote, and, of those registrants, those who failed to mail or present evidence of having taken some action to carry out their intent to establish domicile at the address listed on their voter registration applications to the clerk by the deadline. The supervisors shall attempt to verify that each such person was domiciled at the address claimed on election day by means including, but not limited to:

(a) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or

(b) Requesting 2 or more municipal officers or their agents or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day. In unincorporated places that have not organized for the purposes of conducting elections, county officers may be asked to perform this function; or

(c) Referring the registrant's information to the secretary of state, who shall cause such further investigation as is warranted.

VI. Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted. After receiving confirmation from the secretary of state that an individual is not domiciled at the address provided, the supervisors shall also initiate removal of the person from the checklist by sending the person the notice required by RSA 654:44.

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.

654:3 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters. I. Absent uniformed services voters. An absent uniformed services voter, 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 or she had his or her domicile immediately prior to service, 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:

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

(b) He or she 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. Absent voters temporarily residing outside the United States. An absent voter temporarily residing outside the United States, 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 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 provided:

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

(b) 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

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

III. Federal ballot only voters domiciled outside the United States. 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 and to vote for federal offices in the town or city in New Hampshire in which he or she, or a parent or legal guardian of said voter, 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:

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

(b) He or she is not domiciled in 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

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

654:4 Armed Services Voters. (Repealed Ch. 317; 2010)

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

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.

General Voter Registration

RSA 654:7 Voter Registration; Voter Registration Form. I. Any person registering to vote shall be:

- (a) At least 18 years of age on the day of the next election; and
- (b) A United States citizen; and
- (c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in subparagraph IV(b), unless the person is registering within 30 days before an election or at the polling place on election day. If an applicant is registering at the polling place on election day and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore by relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes.

IV. (a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates other than those used within 30 days of an election or at the polling place on election day, which shall be in substantially the following form:

_____NEW REGISTRATION I am not registered to vote in New Hampshire

_____TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

_____NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date _____

VOTER REGISTRATION FORM (Please print or type)

1. Name _____ (Last (suffix)/ First/Full Middle Name)

2. Domicile Address _____ (Street/ Ward Number/Town or City/Zip Code)

3. Mailing Address (if different than in 2) _____ (Street/Town or City/Zip Code)

4. Place and Date of Birth _____ (Town or City/State) Date _____

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

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

6. Place last registered to vote _____ (Street /Ward Number/Town or City/Zip Code)

I am not currently registered to vote elsewhere (initial here), or I request that my name be removed as a registered voter in _____ (fill in your address where previously registered, street, city/town, state, and zip code)

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. If a city, ward number _____.

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

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

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

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

I acknowledge **that I have read and understand the above qualifications** for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date Signature of Applicant

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

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

- ____ NEW REGISTRATION I am not registered to vote in New Hampshire
____ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire
____ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address
Date registration form is submitted _____
Date applicant moved to the address listed below at the voter's domicile _____

VOTER REGISTRATION FORM

FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON ELECTION DAY
(Please print or type)

1. Name _____ (Last (suffix)/ First/ Full Middle Name)
2. Domicile Address _____ (Street/ Ward Number/Town or City/Zip Code)
3. Mailing Address (if different than in 2) _____ (Street/ Town or City/Zip Code)
4. Place and Date of Birth _____ (Town or City State) Date _____
5. Are you a citizen of the United States? Yes _____ No _____
If a naturalized citizen, give name of court where and date when naturalized _____
6. Place last registered to vote _____ (Street Ward Number Town or City)
I am not currently registered to vote elsewhere (initial here), or I request that my name be removed as a registered voter in _____ (fill in your address where previously registered, street, city/town, state, and zip code)
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. If in a city, ward number _____.

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

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

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

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

I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent.

I understand that if I have documentary evidence of my intent to be domiciled at this address when registering to vote, I must either present it at the time of registration or I must place my initials next to the following paragraph and mail a copy or

present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).

___ By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.

Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.

I understand that if I do not have any documentary evidence of my intent to be domiciled at this address, I must place my initials next to the following paragraph:

___ By placing my initials next to this paragraph, I am acknowledging that I am aware of no documentary evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be sending mail to the address on this form or taking other actions to verify my domicile at this address.

I acknowledge **that I have read and understand the above qualifications** for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date Signature of Applicant

If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such information is true and accurate to the best of my knowledge.

This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):

Identity yes/no _____ (initials)

Citizenship yes/no _____ (initials)

Age yes/no _____ (initials)

Applicant _____

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

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.

V. The secretary of state shall prepare and distribute an addendum to the voter registration form used under subparagraph IV(c) to be distributed to those registrants who register within 30 days before the election or on election day and who do not provide proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of domicile" document shall provide notice of the requirements that registrants must furnish documentary evidence of domicile and shall be in substantially the following form:

Verifiable Action of Domicile

As a newly registered voter, you have received this document because you did not provide proof of domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have taken a verifiable act to establish domicile.

The following checklist shall be used as a guide for what you may use as evidence and shall be submitted to the town or city clerk along with documentation that you are required to provide. Only one item on the list is required to demonstrate a verifiable act.

To establish that you have engaged in a verifiable act establishing domicile, provide evidence that you have done at least one of the following:

___ established residency, as set forth in RSA 654:1, I-a, at an institution of learning at the address on the voter registration form.

___ rented or leased an abode, for a period of more than 30 days, to include time directly prior to an election day at the address listed on the voter registration form.

___ purchased an abode at the address listed on the voter registration form.

___ obtained a New Hampshire resident motor vehicle registration, driver's license, or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the address on the voter registration form.

___ enrolled a dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of the address where the registrant resides, as listed on the voter registration form.

Identified the address on the voter registration form as your physical residence address on:

___ state or federal tax forms

___ other government-issued forms or identification. Describe form of identification: _____

___ provided the address on the voter registration form to the United States Post Office as your permanent address, provided it is not a postal service or commercial post office box, where mail is delivered to your home. This can be by listing the address on the voter registration form as your new address on a Postal Service permanent change of address form and providing a copy of the receipt, or an online emailed receipt.

___ obtained public utility services (electricity, cable, gas, water, etc.) for an indefinite period at the address on the voter registration form. List services obtained: _____

___ arranged for a homeless shelter or similar service provider to receive United States mail on your behalf. Enter name of the shelter or provider: _____

___ describe what other verifiable action or actions you have taken to make the address listed on your voter registration form your one voting domicile: _____

If you have no other proof of a verifiable act establishing domicile, and your domicile is at an abode rented, leased, or purchased by another and your name is not listed on the rental agreement, lease, or deed, you are required to provide a written statement, signed under penalty of voting fraud if false information is provided, from a person who is listed on such document, or other reasonable proof of ownership or control of the property, attesting that you reside at that address, signed by that person or his or her agent who manages the property.

This verifiable action of domicile form, along with your written statement or other documentation proving a verifiable act, shall be delivered to the town or city clerk, by mail or in person, within 10 days, or within 30 days if the clerk's office is open fewer than 20 hours weekly.

Name _____ (Last (suffix) First Full Middle Name)

Domicile Address _____ (Street/Ward Number/Town or City/Zip Code)

Date _____ Signature of Applicant _____

This document was received by the clerk, who examined and returned it to the applicant after making a copy of the evidence of verifiable action, said copy to be attached to the verifiable action of domicile form.

Date _____ Signature of Clerk _____

The clerk shall forward the completed form and attachment or attachments to the supervisors of the checklist as soon as possible, not later than their next meeting. The supervisors of the checklist shall attach the form and attachments to the voter registration form.

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, IV(c). 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.

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, city, school district, village district state, and federal elections unless the person's name is removed from the checklist in accordance with the provisions of this chapter.

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.

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.

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.

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 registration forms of all persons making application to the clerk since the previous meeting of said supervisors.

654:10 Repealed by Chapter 287 Laws of 1992.

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.

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, a sworn statement on the voter registration form used starting 30 days before an election and on election day, or any other reasonable documentation which indicates the applicant is a United

States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a.

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different _____

Place of birth: _____ Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address: _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and 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 purposely 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.

This affidavit was executed for purposes of proving (check all that apply):

Identity Citizenship Age

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

b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, 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, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used starting 30 days before an election and on election day.

(c) DOMICILE.

(1) Registering more than 30 days in advance of an election.

(A) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) government issued check, benefit statement, or tax document. A person who possesses such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.

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

- (i) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at that place;
- (ii) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;
- (iii) Purchasing an abode at that place;
- (iv) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;
- (v) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;
- (vi) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;
- (vii) Obtaining public utility services for an indefinite period at that place; or
- (viii) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual. An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.

(2) Registering within 30 days before an election and on election day.

(A) When registering within 30 days before an election or on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (I) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote, he or she may execute a sworn statement on the voter registration form used starting 30 days before an election and on election day and initial the acknowledgement of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this subparagraph are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and forward verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of a domicile evidence obligation who knowingly or purposely fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any such person who fails to provide proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

(B) A person registering within 30 days before an election or on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall, as soon as practical following an election at which the person initials such paragraph to register and vote, attempt to verify that the person was domiciled at the address claimed on election day by means including, but not limited to:

- (i) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or
- (ii) Requesting 2 or more municipal officers or their agents or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day. In unincorporated places that have not organized for the purposes of conducting elections, county officers may be asked to perform this function; or
- (iii) Referring the registrant's information to the secretary of state, who shall cause such further investigation as is warranted.

(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted.

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 or a sworn statement on the voter registration form used starting 30 days before an election and on election day:

- (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 completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used starting 30 days before an election and on election day. 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 and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. 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 practicable 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. The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a sworn statement on the voter registration form used starting 30 days before an election and on election day.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at any 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 by January 10 in every odd-numbered year in the case of persons registering 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 was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

(c) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office and those persons who were mailed letters under subparagraph (b) and have not confirmed their registration. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the voter registration form. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed. 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.

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing sworn statements on the voter registration form used starting 30 days before an election and on election day since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the 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.

(e) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose eligibility to vote could not be confirmed. The attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

(f) Upon completion of any investigation authorized under RSA 654:12, the secretary of state and the attorney general shall forward a report summarizing the results of the inquiry and investigation, respectively, 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.

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, which shall be retained in accordance with RSA 33-A:3-a, 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 Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, and send another copy to the clerk of their town or city. Upon entry of the voter record in the statewide centralized voter registration database, the supervisors of the checklist in another New Hampshire city or town will receive notice through the statewide centralized voter registration database that the voter has moved.

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 registration form and a copy of the denial notification in accordance with RSA 33-A:3-a.

654:13-a Retention of Voter Registration Forms. All voter registration forms and other records relating to voter registration shall be retained securely in a municipal office under the direction of the town or city clerk. Those forms and records shall be readily accessible to the supervisors of the checklist. Any voter registration document submitted at a meeting of the supervisors of the checklist or at the polling place shall be filed at the office of the town or city clerk within 10 days of the meeting or election at which it was submitted.

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.

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.

Absentee Voter Registration

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.

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 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.

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.

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.

Federal Post Card Application Form

654:20 Federal Post Card Application Form for UOCAVA Voters. As required by federal law, UOCAVA voters may apply to register to vote and apply for an absentee ballot using the federal official post card form prescribed by 42 U.S.C. section 1973ff(b)(2).

654:21 Forwarding. Repealed by Chapter 317, Laws of 2010.

654:22 Repealed by Laws of 1988.

654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the federal post card applicant does not qualify as a UOCAVA voter in the city or town as provided in RSA 654:3, they shall, at their next session for the correction of the checklist subsequent to their receipt of such federal post card application properly executed, cause his or her name to be added to the checklist, and if the applicant is domiciled outside the United States, 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, if the person is domiciled outside the United States, he or she shall be entitled to vote by federal offices only absentee ballot at both federal primary and general elections. The supervisors shall retain the registration form in accordance with RSA 33-A:3-a and forward a copy of the form to the clerk. 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. The supervisors of the checklist shall write the word "REJECTED" and the date of rejection across the registration form. They shall retain the registration form and a copy of the denial notification in accordance with RSA 33-A:3-a.

Voters in Unincorporated Places

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

Checklists: All State Elections

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the content, 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, domicile address, mailing 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 at a minimum contain the full name, domicile address, mailing address, and party affiliation, if any, of each voter on the checklist. The paper checklists used by ballot clerks on election day need not include mailing addresses. 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, domicile 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.

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.

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 a day designated by the supervisors which shall be 6 to 13 days prior to the election and upon which all hearings shall be finally closed; provided that whenever more than one meeting is required within a 21-day period, the first required meeting may serve to fulfill the requirements of the remaining meetings. All sessions for the correction of the checklist shall be for no less than 30 minutes and at the discretion of the supervisors for additional hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted in 2 appropriate places one of which shall be the city or town's Internet website, if such exists, or 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.

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. No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27. 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.

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.

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.

RSA 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 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.

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, domicile 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, domicile 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 election fund established pursuant to RSA 5:6-d. 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 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.

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.

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 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 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 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 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.

Checklists: Additional Provisions for Primary Elections

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.

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.

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 or signing the list of undeclared voters from the statewide centralized voter registration database provided for in paragraph V. If cards are used, the voter shall return the card to the person at the polls designated by the town or city clerk to accept the card. All such cards and lists 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 or list of undeclared voters from the statewide centralized voter registration database 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 or list shall be in substantially the following form:

Name _____ (print)

Address _____

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

From: Democrat [] or Republican [], or (name of any party determined by the secretary of state to have achieved official status under RSA 652:11) []

To: Undeclared []

Signed under the pains and penalties of perjury. _____

Date _____

(b) The supervisors of the checklist, upon receipt of such a card or list, shall keep it in accordance with RSA 33-A:3-a and at the public session of supervisors of the checklist on election day shall change the party of the voter as indicated on the card or list.

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 the 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 or her for a change of party affiliation and the name of the party with which the person desires to be affiliated or that he or she 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 kept by the supervisors until acted upon; and the change shall be made as soon as permitted by law. Forms shall be retained in accordance with RSA 33-A:3-a.

654:34-b Repealed by Chapter 287, Laws of 1992

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.

Periodic Maintenance and Verification of Checklists

654:36 Reports of Transfer. If the supervisors of the checklist have received a notice of transfer from any other state or from another board of supervisors of the checklist in the state of New Hampshire through the statewide centralized voter registration database 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 in accordance with RSA 33-A:3-a as proof of their reasoning in striking the name from the checklist.

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. The supervisors of the checklist shall retain a copy of the notice in accordance with RSA 33-A:3-a.

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. The supervisors of the checklist shall retain the report in accordance with RSA 33-A:3-a. 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, as set forth in RSA 654:44.

654:37 Reports of Death. Whenever there is filed in the office of the clerk an official notice of the death of any person or persons of the age of 18 years or over or the clerk receives notice of a death record of such person or persons under RSA 5-C:4, V, 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. The notice shall be retained in accordance with RSA 33-A:3-a. 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.

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 eighth 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 post notice of their sessions in 2 appropriate places one of which shall be the town or city's Internet website, if such exists, and published 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 or her 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 provision 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.

654:39 Verification Every Ten 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 post notice of their sessions in 2 appropriate places one of which shall be the town or city's Internet website, if such exists, and published at least twice in a newspaper of general circulation 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 or her 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 any election within the 4 years immediately preceding a 10-year verification; or
- (b) The person has been added to the checklist since the last state general election.

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.

Checklists: Special Provisions

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.

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

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.

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 paragraph 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.

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 or she 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 the person chooses, the reasons why his or her 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 retain a copy of the notice in accordance with RSA 33-A:3-a.

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.

Voter Registration Database

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

654:45 Information Shared with Other States. 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 current information on the voter registration forms, the accepted absentee ballot applications, the voter checklists, and voter actions as recorded on the marked checklist 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, *nor shall it or any of the information contained therein be disclosed pursuant to a subpoena or civil litigation discovery request.* 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.

VII. The city and town clerk shall enter, maintain, and keep up to date election official contact information and polling place information as determined by the secretary of state in the statewide centralized voter registration database for use by the secretary of state in effecting election laws.

VIII. (a) The secretary of state may enter into an agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states. The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies that is of a confidential nature remains confidential.

(b) The secretary of state shall investigate any duplicate matches of voters resulting from any comparisons of the statewide centralized voter registration database with other states. If the investigation results in the inability to confirm the eligibility of a person or persons who voted, or there is reason to believe a person or persons voted who were not eligible, the secretary of state shall forward the results to the attorney general for further investigation or prosecution.

(c) Upon completion of any investigation authorized under RSA 654:45, VIII(b), the attorney general and the secretary of state shall forward a report summarizing the results of the investigation 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.

IX. Repealed. Chapter 222, laws of 2017.

654:46 Party Access to Voter Information. Repealed by Chapter 10, Laws of 2008.