

## CHAPTER 657

### ABSENTEE VOTING

#### Eligibility

**657:1 Absence, Religious Observance, and Disability Absentee Voting.** I. Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term “employment” shall include the care of children and infirm adults, with or without compensation.

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

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

**657:2 UOCAVA Voters.** Any person who is eligible to vote as a UOCAVA voter in any city or town may vote absentee as follows:

I. A person qualified as an absent uniformed services voter as provided in RSA 654:3 may vote absentee at any state election in the New Hampshire city or town which was his or her last home as provided in this chapter.

II. A person qualified as provided in RSA 654:3 whose current domicile is in the New Hampshire town or ward where he or she is registered to vote, but who is temporarily residing outside the United States may vote absentee in all state elections.

III. A person qualified as provided in RSA 654:3 whose current domicile is outside the United States may vote absentee in elections for federal offices only as provided in this chapter.

**657:3 Armed Services Voter.** Repealed by Chapter 317 Laws of 2010.

#### Application

**657:4 Forms.** I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States),  
Religious Observance, and Disability:

I hereby declare that (check one):

I am a duly qualified voter who is currently registered to vote in this town/ward.

I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

- I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.
- I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.
- I cannot appear in public on election day because of observance of a religious commitment.
- I am unable to vote in person due to a disability.
- I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment" shall include the care of children and infirm adults, with or without compensation.

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

- I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.
- I anticipate that school, child care, or adult care will be canceled and would otherwise vote in person but will need to care for children or infirm adults.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

- Presidential Primary to be held on \_\_\_\_\_ (MM/DD/YYYY)  
(The date may appear as blank when the date is not known.)
- State Primary to be held on \_\_\_\_\_ (MM/DD/YYYY)
- General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

- Republican Party
- Democratic Party
- (name of any party determined by the secretary of state to have achieved official status under RSA 652:11) and am requesting a ballot for that party's primary.

Please print:

Applicant's Name: \_\_\_\_\_  
(Last)(First)(Middle)(Sr., Jr., II, III)

Applicant's Voting Domicile  
(home address): \_\_\_\_\_  
(Street Number)(Street Name)(Apt/Unit)(City/Town)(Ward)(Zip Code)

Mail the ballot to me at the address (if different than the home address):

\_\_\_\_\_  
(Street Number)(Street Name)(Apt/Unit)(City/Town)(Ward)(Zip Code)

Applicant's Phone Number (optional) \_\_\_\_\_

Applicant's Email Address (optional) \_\_\_\_\_

Applicant's signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_ (MM/DD/YYYY)

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

Signature \_\_\_\_\_ Print Name \_\_\_\_\_

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

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

II (a) Any person, other than the city or town clerk or the secretary of state, that publishes, mails, or distributes in any manner any written communication that contains a form or post card which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall identify who is publishing,

mailing, or distributing the communication, and attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section.

(b) Any person that publishes, mails, or distributes forms as described in subparagraph (a) as part of any communication that is made for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures, as defined in RSA 664:2, shall be identified in the same manner as political advertising under RSA 664:14.

(c) Any person that violates this paragraph shall be subject to a civil penalty not to exceed \$1,000, to be imposed in the manner set forth in RSA 659:34, III-V.

III. The federal official post card form shall constitute the form made available by the secretary of state pursuant to RSA 654:20 for absentee ballot applications by UOCAVA voters.

**657:5 Forwarding Forms.** The secretary of state shall retain for his own use so many application forms for absentee ballots as he may deem necessary and shall supply each town and city clerk in the state with so many of them as he may deem sufficient.

**657:6 Procedure by Applicant.** An application form for an absentee ballot shall be mailed or delivered to any person who applies therefor to the secretary of state or to any town or city clerk. It shall be filled out by the applicant and sent to the clerk of the town or city in which he or she desires to vote. Alternatively, a person may apply for an official absentee ballot by sending to said clerk a written statement containing the information required by RSA 657:4, I or by the federal official post card form.

### **Absentee Ballots and Related Materials**

**657:7 Absence, Religious Observance, and Disability.** Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he deems necessary:

I. Absence, religious observance, and disability absentee ballots as provided in RSA 656:33.

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

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

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day, or I am voting on the Monday immediately prior to the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a physical disability, or have to care for children or infirm adults, or I will be otherwise absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). For the purposes of this certification, the term "working" shall include the care of children and infirm adults, with or without compensation.

(Signature) \_\_\_\_\_

*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.*

(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of \_\_\_\_\_, New Hampshire in ward \_\_\_\_; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

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

*In accordance with 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.*

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots. On the envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed thereon.

IV. Such explanatory matter and instructions for voters as the secretary of state with the approval of the attorney general shall deem appropriate to carry into effect the purposes hereof.

V. Mailing envelopes large enough to contain all the above materials in which the town and city clerks shall mail or deliver them to absentee voters.

**657:8 UOCAVA Oath.** Prior to any state election, the secretary of state shall prepare, in such quantity as he or she deems necessary, affidavit envelopes of sufficient size to contain the ballots and an electronic affidavit containing the following:

UOCAVA Voters

Persons desiring to vote by absentee ballot who are absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States shall sign the following oath:

Standard Oath

I swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or Merchant marine on active duty; or an eligible spouse or dependent of such a member; or, a U.S. citizen temporarily residing outside the U.S.; or, other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Month/Day/Year

**657:9 Armed Services Voting.** Repealed by Chapter 317 Laws of 2010.

**657:10 Forwarding Forms.** The secretary of state shall retain for his or her own use so many of the absentee ballots and forms provided for in RSA 657:7 through 657:8 as he or she may deem necessary and shall supply each town and city clerk in the state with as many of them as he or she may deem sufficient. The same shall be provided electronically and in sealed packages which shall be marked on the outside clearly designating the type and number of ballots enclosed. The secretary of state shall keep a record of the date when the manner in which the absentee ballots

were sent to said clerks and of the number of ballots so forwarded. Additional absentee ballots of any type may be obtained as required from the secretary of state upon written application by a town or city clerk.

**657:10-a Write-In Absentee Ballot.** A person entitled to vote by absentee ballot who is an absent uniformed services voter, an absent voter temporarily residing outside the United States, or a voter domiciled outside the United States who is qualified to vote for federal offices only, who certifies that he or she will be unable to receive, mark, and return an absentee ballot sent no later than 45 days before an election by election day may apply for a write-in absentee ballot. The secretary of state shall prepare write-in absentee ballots of all types necessary for each election and make them available to town and city clerks. Clerks shall send a write-in absentee ballot to any qualified UOCAVA voter requesting such ballot without delay for any request received up to 45 days before an election. The ballot and associated forms and instructions shall be sent by mail or electronically as requested by the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.

**657:10-b Federal Write-In Absentee Ballot.** Absent uniformed services voters, absent voters temporarily residing outside the United States, and federal ballot only voters domiciled outside the United States may use the federal write-in absentee ballot in general, special, and primary elections to vote for federal offices only. As required by federal law, a federal write-in absentee ballot shall not be counted if it is submitted from any location in the United States by an absent voter temporarily residing outside the United States or a federal ballot only voter domiciled outside the United States. The federal write-in absentee ballot shall not be counted if a state absentee ballot is received from the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party. Clerks may use the federal write-in absentee ballot as a request for an official absentee ballot as provided for in RSA 657:12.

### **Disqualification of Clerk**

**657:11** Repealed by Chapter 169, Laws of 1981

### **Procedure for Absence, Religious Observance, and Disability and Citizens Temporarily Residing Overseas Voting**

**657:12 Provisions for General Election.** Upon receipt of a properly executed application for an official absentee ballot for a general election, whether the form supplied by the secretary of state, the federal official post card form, or a written statement containing the information required by RSA 657:4, I, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15 to the applicant and record the information pursuant to RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

**657:13 Provisions for State or Presidential Primary Elections.** Upon receipt of a properly executed application for an official absentee ballot, for a state or presidential primary election, whether the form supplied by the secretary of state or a written statement containing the information required by RSA 657:4, I, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the checklist and to be properly registered or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he or she is applying for a ballot of a political party, the person shall be registered as a member of said party; and, in either case, the clerk shall send the materials provided for in RSA 657:15. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

**657:14 Information Furnished.** The supervisors of the checklist shall furnish to the town or city clerks upon their request any information relative to persons entitled to vote in their ward or town which may be necessary to enable them to determine the proper ballot, affidavit, and voting instructions to be sent to an absentee voter. Whoever violates any provision of this section shall be guilty of a violation.

**657:15 Sending Absentee Ballots.** I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall send absentee ballots in response to verified absentee ballot requests until 5:00 p.m. on the day before the election. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter application information in the statewide centralized voter registration database. The lists shall not be available for public inspection at any time without a court order.

II. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B.

III. Candidates whose names appear on the ballot for statewide office and persons bearing a notarized request from candidates whose names appear on the ballot for statewide office may obtain a statewide list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B from the secretary of state. Information on the statewide absentee voter list shall be limited to voter name, voter ID number, and the date the absentee ballot was requested.

IV. The subscription fee for providing a statewide list of absentee voters by the secretary of state under this section shall be \$2,000 per election, all of which shall be deposited in the election fund under RSA 5:6-d. The secretary of state shall update the original list of absentee voters on a regular basis

**657:16 Refusal to Certify; Procedure.** If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the outer envelope that contains the absentee ballot envelope. The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and the outer envelope with the words "Not Registered." Upon receipt of an outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant returns the required documents with the absentee ballot by the date set for correcting the checklist under RSA 654:27 and RSA 654:28, the town or city clerk shall forward the registration forms to the supervisors of the checklist and, if the applicant is found to be qualified, the applicant shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. All documents received after the deadline for correcting the checklist under RSA 654:27 and RSA 654:28 shall be processed as election day registrations under RSA 654:7-a. If the ballot is returned without the required documents in proper form, the ballot shall be marked in the manner set forth by law for successfully challenged absentee ballots and preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

**657:17 Procedure by Voter.** After marking the ballot, the voter or the person assisting a blind voter or voter with a disability who is unable to mark his or her ballot shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or voter with a disability who needs assistance executing the affidavit shall sign a statement on the affidavit envelope acknowledging the assistance. The voter or the person assisting the blind voter or voter with a disability who needs assistance shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it or have it delivered by the voter's spouse, parent, sibling, or child to the city or town clerk from whom it was sent. The city or town clerk, or ward clerk on

election day at the polls, shall not accept an absentee ballot from a family member unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk. Absentee ballots delivered through the mail or by the voter's spouse, parent, sibling, or child shall be received by the town, city, or ward clerk no later than 5:00 p.m. on the day of the election.

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

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

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

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

**657:18 Procedure by Clerk.** Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day.

#### **Procedure for Uniformed Services, Temporarily Residing Outside the United States, and Federal Ballot Only Voting**

**657:19 Sending Ballots to UOCAVA Voters.** I. (a) Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter as defined in RSA 652:16-b, whether the form supplied by the secretary of state, the federal official post card form, or a written statement containing the information required by RSA 657:4 I, a town or city clerk shall retain the application and, without delay and except as provided in subparagraph (b), enter the application in the statewide centralized registration database.

(b) On the last business day no earlier than 45 days before a regularly scheduled general election, each city and town clerk shall deliver absentee ballot information to the secretary of state, on forms and methods prescribed by the secretary of state, for each UOCAVA voter as defined in RSA 652:16-b who, between the required meeting of the supervisors of the checklist pursuant to RSA 654:27 for the regularly scheduled primary election and the last business day prior to 45 days before the regularly scheduled general election, has requested an absentee ballot for the next regularly scheduled general election, unless that UOCAVA voter and his or her absentee ballot request has been entered into the statewide voter registration database.

II. If a request for a write-in absentee ballot is received from a UOCAVA voter 45 or more days before an election from a voter qualified to vote using a write-in absentee ballot in accordance with RSA 657:10-a, the clerk shall, without delay, send a write-in absentee ballot and instructions using either mail or electronic transmission, as requested by the voter.

III. If a request for an absentee ballot for a primary election, other than a presidential primary, or a special election is received from a UOCAVA voter 45 or more days before a primary election, the clerk shall send the ballot and instructions to the applicant no later than the day 45 days prior to the primary election using either mail or electronic transmission, as requested by the voter.

IV. If a request for an absentee ballot for a primary election, other than a presidential primary, or a special election is received from a UOCAVA voter less than 45 days before a primary election, the clerk shall send the ballot and instructions without delay using either mail or electronic transmission, as requested by the voter.

V. If a request for an absentee ballot for a regularly-scheduled general election or a presidential primary is received from a UOCAVA voter 45 or more days before a general election or a presidential primary the secretary of state may, on behalf of the clerk and in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter no later than the day 45 days prior to the general election or the presidential primary. At the secretary of state's discretion, the secretary of state may enter in the statewide centralized voter

registration database the mail date on which absentee voters were sent ballots pursuant to this paragraph. Alternatively, the secretary of state may provide each city and town clerk with a list of all voters sent absentee ballots by the secretary of state pursuant to this section. Upon receipt of such report from the secretary of state, the clerk shall record the date that the absentee ballot was sent to the voter in the statewide centralized voter registration database.

VI. If a request for a general election absentee ballot is received from a UOCAVA voter less than 45 days before a general election, the clerk shall, in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter, without delay.

VII. All valid requests for absentee ballots for a general election received by a town and city clerk prior to the Monday before a primary election shall be entered into the statewide centralized voter registration database no later than that Monday and any valid requests received between that Monday and the forty-fifth day prior to a general election shall be entered into the statewide centralized voter registration database on the day received by the clerk. All requests for absentee ballots received after the date that is 45 days prior to an election shall be entered by the city or town clerk, without delay.

VIII. The clerk shall send the appropriate ballot and materials as described in RSA 657:8, regardless of whether the applicant appears on the checklist, and record the information pursuant to RSA 657:15.

IX. The town or city clerk shall forward a copy of the applicant's registration forms to the supervisors of the checklist.

X. A town or city clerk who finds an absentee ballot application invalid shall provide the UOCAVA voter the reason it is invalid within 7 days in accordance with the procedures in RSA 657:16.

**657:19-a Federal Official Post Card Form and Other Requests from UOCAVA Voters.** The federal official post card form as provided in RSA 654:20 for simultaneous voter registration application and absentee ballot application shall be valid at any time for voter registration by a person qualified to vote pursuant to RSA 654:3 as an absent uniform services voter, a temporarily absent voter residing outside the United States, or a federal ballot only voter domiciled outside the United States. An absentee ballot request on this post card or in any other form received on or after January 1 of each year shall be valid through December 31 of the same year for all state and municipal elections to be held within that year, subject to the request of the voter and the eligibility of the voter. Provided, however, that an absentee ballot for the presidential primary shall be sent to all voters requesting an absentee ballot for the primary or any election prior to the primary during the general election year and the prior year. The town or city clerk shall forward a copy of all such federal official post card voter forms to the supervisors of the checklist.

**657:19-b Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically.** Any person authorized in RSA 657:19-a to use the federal official post card form may request and receive an absentee voter registration application by downloading the application from the secretary of state's website, or request that the form be mailed by submitting an electronic request via the e-mail address designated on the website. The secretary of state shall send the requested application by mail or electronically in accordance with the voter's choice.

**657:19-c Addresses and Polling Hours Maintained by Clerks.** Each town and city clerk shall establish and maintain an official e-mail address and street address, which shall be publically available to voters. Clerks shall maintain up-to-date polling place locations for each election, including street addresses, and polling hours, and clerks shall keep such information in the statewide centralized voter registration database..

**657:20 Procedure by UOCAVA Voter.** UOCAVA voters shall follow the procedure set forth in RSA 657:17.

**657:21 Registration of Voters.** Upon receipt of a return envelope containing an armed services or overseas citizen federal election absentee ballot, the clerk of the city or town shall open and retain said envelope and deliver the affidavit envelope to the supervisors of the checklist of the voting place indicated thereon. If the voter is not registered, the appropriate affidavit appearing on said envelope, if properly executed, shall, subject to RSA 657:23, be prima facie evidence of the voter's qualifications to become a voter and his or her name shall be added to the checklist at the next session of the supervisors of the checklist. The supervisors of the checklist shall retain a copy of the affidavit envelope and absentee ballot request form in accordance with RSA 33-A:3-a and return the affidavit envelopes unopened to the city or town clerk who shall see that they agree in number with the mailing envelopes. Said clerk shall attach the application for an armed services or overseas citizen federal election absentee ballot submitted by said voter to the 2 corresponding envelopes and retain them until election day.



**657:21-a Special Assistance to Emergency Services Worker.** I. If an emergency services worker receives notice after noon on the Friday before any state election that he or she is being called into service under circumstances that will prevent that person from obtaining an absentee ballot before leaving and from voting in person at the polls on election day, upon notification that such a call-out has occurred, the secretary of state with assistance from the attorney general and the department of safety shall make every reasonable effort to cause absentee ballot request forms, absentee ballots, absentee affidavits, and any other materials necessary to vote to be transported to the emergency services workers and to be returned to town or city clerk of each voter's town or ward.

II. For the purposes of this section, "emergency services worker" shall include law enforcement, emergency medical services personnel, firefighters, members of the New Hampshire national guard, utility workers, employees or volunteers for the American Red Cross, and any other emergency worker declared such by the department of safety.

III. For the purposes of this section "every reasonable effort" includes, but is not limited to:

- (a) Employing local, county, or state law enforcement to transport ballots, affidavits, and other necessary materials to and from the site in New Hampshire where emergency services are temporarily housed, staged, or deployed for an in-state emergency.
- (b) Causing ballots, affidavits, and other necessary materials to be transported by the United States mail or commercial overnight courier to and from an out-of-state site where emergency services workers are temporarily housed, staged, or deployed for an out-of-state emergency.

IV. For the purposes of this section "circumstances that will prevent that person from voting in person at the polls on election day" shall include deployment to any disaster that has been declared by the President of the United States or the governor of New Hampshire.

V. Notwithstanding any provision of the law to the contrary, any ballot returned to a polling place pursuant to this section which arrives before the polls are closed shall be processed according to law and if found otherwise in conformance with law shall be counted.

VI. If, in the judgment of the secretary of state, time does not permit obtaining and transporting the local ballot for each emergency services worker, the secretary of state may prepare and issue a statewide-offices-only absentee ballot for the purposes of this section.

VII. The secretary of state, in cooperation with the department of safety and the attorney general, shall develop procedures for implementing this section. The procedures shall include publication of an emergency telephone number available 24 hours daily during the period covered by this section, to allow after-hours and weekend notification to the secretary of state that this section is being invoked. Suitable information on the availability of this section shall be made available to persons covered by this section.

VIII. The public agency or employer of emergency services workers responsible for making call-outs subject to the provisions of this section shall provide the secretary of state with the name and domicile address of each person called out and an address where an absentee ballot may be delivered on the Saturday, Sunday, or Monday prior to the election at the site of the emergency.

IX. If the costs of executing this section at any election exceed \$500, the secretary of state shall certify the same to the state treasurer, and prepare a manifest to authorize the state treasurer to make payments from funds not otherwise appropriated. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated

### **Election Day**

**657:22 Cutoff.** In any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day except as provided in RSA 657:21-a, V and RSA 659:20-a. The clerk shall record absentee ballots received after such time in the statewide centralized voter registration database with the

return date and shall mark the ballot as rejected due to absentee ballot receipt after election day. The clerk shall retain the unopened ballot until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

**657:23 Delivery to Moderator.** Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 659:49, the clerk shall deliver all such envelopes, the applications therefor received by him or her, and the list of absentee voter applicants compiled pursuant to RSA 657:15 to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no UOCAVA voter's ballot shall be rejected by a moderator for lack of an attached application provided a signature is available for comparison on a voter registration document.

**657:24 Misusing Absentee Ballot.** Whoever, prior to the closing of the polls or the time of processing absentee ballots on election day, shall show or exhibit an unsealed absentee ballot to any person or shall use an absentee ballot for any purpose except to vote the same shall be guilty of a misdemeanor; provided that this provision shall not apply to any person engaged in printing or distributing or otherwise dealing with said ballots according to law, to any person who because of blindness is unable to mark his ballot, or to any person who assists a blind person in marking his ballot. Anyone who votes or attempts to vote under the provisions of this chapter who is not entitled to vote by absentee ballot or anyone who knowingly votes or attempts to vote in violation of this chapter shall be guilty of a misdemeanor.

**657:25 Conformity with Federal Legislation.** The secretary of state and all other appropriate officials or boards are hereby authorized to perform all acts which he or they may be authorized to perform by any federal statute affecting voting by those to whom the statute is applicable and to accept any federal funds which may be made available to defray any expense in connection therewith, in so far as the same may not be repugnant to the constitution of this state.

#### **Absentee Voter Website**

**657:26 Absentee Voter Website.** The secretary of state shall make available by July 31, 2010 a public website by which an absentee voter, in the 2010 general election and every subsequent state election, may determine whether the voter's absentee ballot request has been received by the clerk, whether the absentee ballot has been sent pursuant to such request, and whether the envelope purporting to contain the absentee ballot has been received by the clerk, and whether the absentee ballot was challenged and rejected by the moderator on election day, including the reason for the challenge. The town and city clerk shall, without delay, enter into the statewide centralized voter registration database the dates that all valid requests for absentee ballots are received, the dates all absentee ballots are sent, and the date all envelopes purporting to contain absentee ballots are received. The secretary of state shall allow free and secure access to any voter who enters on the website his or her full first name, full last name, the town where the voter has requested an absentee ballot, and the voter's date of birth as they appear in the statewide centralized voter registration database. The city and town clerk shall provide instructions to absentee voter applicants describing how to access this website.