

2019 Election Law Changes

Chapter 192
(SB 104) Amended
Eff. 7.10.19

RSA 40:4, II Government of Town Meeting; Moderators; Duties. II. (a) *If the National Weather Service issues a weather event warning applicable to a town on the date of a deliberative session or business session of a town meeting, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours but not more than 48 hours prior to the scheduled session, postpone and reschedule the session of the meeting to another reasonable date, place, and time certain. If an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe, the moderator may, at any time prior to the scheduled deliberative or business session, postpone and reschedule the session to a date, place, and time certain. To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, the road agent, and the local emergency management director. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates.*

(b) *In the event of a weather or other emergency as described in RSA 669:1 that occurs on or before the date of an official ballot voting day as defined in RSA 652:16-g, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may postpone the session in accordance with RSA 669:1 and RSA 669:1-a.*

(c) *The date originally scheduled shall continue to be deemed the deliberative session, business session, or official ballot voting day of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours.*

Chapter 148
(HB 146) NEW
Eff. 8.30.19

RSA 40:4-g Intent of the Voter. *In any vote conducted pursuant to this chapter, every ballot shall be counted if the intent of the voter can be determined, regardless of whether the voter followed any instructions relative to marking the ballot provided before the vote.*

Chapter 192
(SB 104) Amended
Eff. 7.10.19

RSA 40:13, VII Government of Town Meeting; Optional Form of Meeting-Official Ballot Referenda; Use of Official Ballot. VII. *The second session of the annual meeting, which is the official ballot voting day as defined in RSA 652:16-g, to elect officers of the localor the second Tuesday in May, as applicable unless it is postponed in accordance with RSA 40:4, II(b) and RSA 669:1.....(no further changes to this section)*

Chapter 131
(HB 415) Amended
Eff. 8.24.19

RSA 40:14, III and VII. Method of Adopting Official Ballot Referendum Form of Meeting. III. *The local political subdivision shall place the question on the warrant of the annual meeting under the procedures set out in RSA 39:3 or RSA 197:6. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question.*

VII. *Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in paragraphs III-VI, except that the question shall be placed on the official ballot. The wording of the question.....(no further changes).....in the calculation of the 3/5 majority.*

Chapter 192
(SB 104) Amended
Eff. 7.10.19

RSA 44:11 Cities and Wards; Local Elections; Times. I. *The meeting of the voters of each ward.....(no changes).....or a ward officer.*

II. *In the event of a weather or other emergency as described in RSA 669:1, the election may be postponed and rescheduled in the manner provided in that section, except that all references to the moderator shall be deemed to refer to the city clerk.*

Chapter 170
(HB 486) Amended
Eff. 9.8.19

RSA 607-A:2, I. Uniform Act on Status of Convicted Persons; Rights Lost. I. (a) A person sentenced for a felony, from the time of his or her sentence until his or her final discharge, may not:

1. Vote in an election, but if execution of sentence is suspended with or without the defendant being placed on probation or he or she is paroled after commitment to imprisonment, *the correctional facility shall provide the offender written notice that he or she may vote during the period of the suspension or parole;*
2. Seek the nomination of a political party or become a candidate for or hold public office.
(b) *In this paragraph, "final discharge" means the release of a prisoner from incarceration. A person who is on probation or parole shall be considered to be finally discharged for the purpose of this section.*

Chapter 192
(SB 104) NEW
Eff. 7.10.19

RSA 652 Elections; Terms and Definitions.

RSA 652:16-e Business Session. *"Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.*

RSA 652:16-f Deliberative Session. *"Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.*

RSA 652:16-g Official Ballot Voting Day. *"Official ballot voting day" means the day on which voters in a town vote on the election of officers or other questions authorized by law to be voted on by official ballot, or both, in compliance with the procedures for elections for the partisan official ballot system as set forth in RSA 669:12 or the nonpartisan official ballot system as set forth in RSA 669:19 through RSA 669:22, RSA 670:5 through RSA 670:7, and RSA 671:20 through RSA 671:30, including all requirements pertaining to absentee voting, the polling place, and polling hours.*

Chapter 331
(HB 593) amended
Eff. 10.15.19

RSA 654:31-a Right to Know Exemption. The information contained..... to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter affidavits, *domicile affidavits*, affidavit of religious exemption, application for absentee ballot, and contact information, including but not limited to a phone number and email address, provided to the secretary of state or other election officials for the purpose of receiving information about elections shall be treated as confidential information....who are subject of the investigation or prosecution.

Chapter 331
(HB 593) amended
Eff. 10/15/19

RSA 654:37-a Unofficial Reports of Death. *If the supervisors of the checklist learn of the death of a voter but do not receive notice as outlined in RSA 654:37, they shall mail to the last known address of the voter a 30-day letter specifically for updating the checklist upon the death of a voter. Such letter shall include the contact information for the supervisors of the checklist to which a response may be sent. If there is no response within 30 days, the supervisors will remove that voter's name from the checklist. If there is a response confirming the death within 30 days, the supervisors may remove the voter's name upon receipt of the confirmation of death.*

Chapter 331
(HB 593) amended
Eff. 10.15.19

RSA 654:44, II Voters and Checklists; Removing Names from the Checklist; Notice Required. II. The provision of this session do not apply.....as provided in RSA 654:36, 654:37, or 654:37-a, nor to the removal..... no further changes....outside New Hampshire.

Chapter 177
(HB 588) Amended
Eff. 9.8.19

RSA 655:47, I Presidential Nominations; Declaration of Candidacy. A phrase has been added to the Declaration of Candidacy as follows:

- I. The names of any persons.....that I am a registered member of the ____ party or that I am a recognized candidate for President in the party in which I desire to file; that I am.....

Chapter 128
(HB 345) Amended
Eff. 8.24.19

RSA 656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine devices for electronic counting of ballots. The commission shall, whenever requested, examine any device which may be capable of meeting the requirements for elections held in this state *and shall, at least every 5 years, review current and new devices to determine whether the devices require upgrading. The commission, after such review, shall file an explanatory report with the secretary of state within 30 days of its determination that outlines the basis for its determination, taking into account such factors as hardware and software standards, policies and procedures, security requirements, and usability.* The commission shall approve a device *upon request* in its discretion, and no device.....has been altered.

Chapter 192
(SB 104) Amended
Eff. 7.10.19

RSA 657:1, I: I. Any person who *will be* absent on the day of.....(no further changes).....with or without compensation.

RSA 657:1, II(a)-(c): (a) A person 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 *day* immediately prior to the election.

(b) A person who care for children.....may vote absentee on the *day* immediately prior to the election.

(c) As required by RSA 652:20, the clerk's office.....returned ballots on the *day* immediately prior.....for issuing and receiving absentee ballots.

(d) *In the event an election is postponed pursuant to RSA 669:1, the provisions of subparagraph (c) shall apply to the day before the date of the originally scheduled election and the day before the date of the postponed election.*

Chapter 261
(HB531) Amended
Eff. 9.17.19

RSA 657:17 Procedure by Voter. *I. 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 or the person assisting a blind voter or voter with a disability shall then endorse on the outer envelope the voter's name, address, and voting place. The absentee ballot shall be delivered to the city or town clerk from whom it was received in one of the following ways:*

(a) *The voter or the voter's delivery agent may personally deliver the envelope; or*

(b) *The voter or the person assisting the blind voter or voter with a disability may mail the envelope to the city or town clerk, with postage affixed.*

II. As used in this section, "delivery agent" means:

(a) *The voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild; or*

(b) *If the voter is a resident of a nursing home as defined in RSA 151-A:1, IV, the nursing home administrator, licensed pursuant to RSA 151-A:2, or a nursing home staff member designated in writing by the administrator to deliver ballots; or*

(c) *If the voter is a resident of a residential care facility licensed pursuant to RSA 151:2, I(e) and described in RSA 151:9, VII(a)(1) and (2), the residential care facility administrator, or a residential care facility staff member designated in writing by the administrator to deliver ballots; or*

(d) *A person assisting a blind voter or a voter with a disability who has signed a statement on the affidavit envelope acknowledging the assistance.*

III. The city or town clerk, or ward clerk on election day at the polls, shall not accept an absentee ballot from a *delivery agent* unless the *delivery agent* completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the *delivery agent* 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 *delivery agent* shall be received by the town, city, or ward clerk no later than 5:00 p.m. on the day of the election. *A delivery agent who is assisting a voter who is blind or who has a disability pursuant to this section may not personally deliver more than 4 absentee ballots in any election, unless the delivery agent is a nursing home or residential care facility administrator, an administrator designee, or a family member, each as authorized by this section.*

Chapter 261
(HB531) Amended
Eff. 9.17.19

RSA 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 *voter* who because of blindness or *disability* is unable to mark his or her ballot, or to any person who assists a blind *voter* or a *voter with a disability who needs assistance* in marking his or her ballot *pursuant to RSA 657:17, I*. 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.

Chapter 334
(HB 651) Amended
Eff. 10.15.19

RSA 664:2, IX Political Expenditures and Contributions; Definitions; Expenditure. IX. "Expenditure" shall mean the disbursement.....as defined in paragraph XI, *and expenses incurred by a candidate for child care*. It does not include:

Chapter 334
(HB 651) Amended
Eff. 10.15.19

RSA 664:2, VIII Political Expenditures and Contributions; Definition.

VIII. "Contribution" shall mean a payment.....on behalf of his or her candidacy. *Contributions may be used by candidates for expenses incurred by a candidate for child care.*

Chapter 193
(SB 105) Amended
Eff. 1/1/20

RSA 664:13-a, II and IV. Inaugural Treasurer; Reporting Requirement. II. No person shall make any expenditure or make or receive any contribution or receipt, in kind or otherwise, for a gubernatorial inauguration except by or through the inaugural treasurer. *No person shall make a contribution for a gubernatorial inauguration in excess of \$10,000.*

IV. The inaugural treasurer shall file an itemized statement of receipts and expenditures with the secretary of state in like manner and detail as prescribed in RSA 664:6 on March 10 and July 10 following the inauguration. *Expenditures totaling more than \$1,000 from the inaugural treasurer to the governor-elect or his or her immediate family shall contain back-up receipts. The report.....(no further changes)....by the secretary of state.*

Chapter 51
(HB 297) Amended
Eff. 8/4/19

RSA 664:14, I Political Advertising; Signature, Identification, and Lack of Authorization.

I. All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast. *In the case of political advertising made on behalf of a political committee registered with the secretary of state pursuant to RSA 664:3 or a political advocacy organization registered with the secretary of state pursuant to RSA 664:3-a, the name and address on the advertisement shall match the name and address registered with the secretary of state.*

Chapter 192
(SB 104) NEW
Eff. 7.10.19

RSA 669:1, V(a)-(e) Town Elections; General Provisions; Election Dates.

V.(a) *If the National Weather Service issues a weather event warning applicable to a town on a date when an election is scheduled, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, or if an accident, fire, natural disaster, or other emergency occurs that the moderator reasonably believes may render use of the election location unsafe on the date of the election, then the moderator may, after consulting with town officials, postpone the election. To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, the road agent, and the local emergency management director. The moderator shall document any decision to postpone the election and notify the secretary of state by phone or electronic mail of the postponement within 2 hours of the decision to postpone.*

(b) *When a ballot to be used at an election which has been postponed contains questions that are to be voted on simultaneously by more than one town, such as those relating to village, school, or water districts, the postponement of an election shall apply to all towns voting on that issue at the election. The moderators of the towns involved, after consultation with respective town officials, shall communicate with each other to reach a consensus on the postponement. In such instances, one of the moderators shall be selected to document the communications and notify the secretary of state. If a consensus cannot be reached, the election shall be postponed if a majority of the moderators vote to postpone.*

(c) *The decision to postpone shall be made on the day immediately prior to the election at any time before 6:00 p.m.*

(d) *If the moderator postpones the town election as provided in this paragraph, the moderator shall document the decision and notify the secretary of state by telephone or electronic mail of the postponement within 2 hours of the decision to postpone.*

(e) *If a special state election is scheduled for the date of the town election, this section shall not apply.*

RSA 669:1-a Postponed Town Elections. *I. Any election postponed pursuant to RSA 669:1, V shall be rescheduled to the Tuesday 2 weeks following the original date of the election, provided all other applicable statutory provisions associated with elections under this chapter shall also be extended the same 2 weeks.*

II. The supervisors of the checklist shall not be required to meet again until the postponed town election day.

III. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later.

IV. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

V. The moderator and the governing body shall employ all reasonable means to provide voters with notice of the postponement, the date on which the postponed election shall be conducted, and information on obtaining absentee ballots for those voters who qualify to vote by absentee ballot at the postponed election. To the extent practical given the circumstances of the postponement, notice shall be posted at the location of the scheduled election, at the municipal offices, and on the website of each town, school district, and village district whose election is postponed.

VI. All ballots prepared for the original date of the election shall be used for the postponed election. A notice explaining the deadline for returning an absentee ballot shall be issued to voters who request and are sent an absentee ballot during the period between the original date and the postponed date of the election.

VII. All absentee ballots submitted to be counted on the date of the original election, all absentee ballots submitted for the original date of the election which arrive after that date but before 5:00 p.m. on the date of the postponed election, and all absentee ballots submitted to be counted at the postponed election shall be submitted to the moderator for processing in accordance with RSA 659.

VIII. *To the extent practicable, the town clerk may decide to be at the location of the originally scheduled election to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots during what would have been normal polling hours. The town clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken an oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.*

IX. *The absentee ballot of a voter who qualified to vote by absentee ballot because he or she expected to be absent or unable to appear at the polls on the original date of the election and who submitted an absentee ballot which otherwise satisfies the requirements for voting by absentee ballot, shall be counted even if the voter is present in the town or able to appear at the polls on the date of the rescheduled election.*

X. *All absentee ballots shall be processed as provided for by RSA 659.*

RSA 670:1-a Rescheduling of Village District Elections. *In the case of a village district that includes voters from 2 or more towns and holds its elections in conjunction with town elections, in the event of a weather or other emergency as described in RSA 669:1,V, the town moderators in each town shall, as described in RSA 669:1, coordinate to reschedule the town and village district elections as provided in that section.*

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RSA 671:22-a Rescheduling Elections. *In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, in the event of a weather or other emergency as described in RSA 669:1, V, the town moderators in each town shall, as described in RSA 669:1, coordinate to reschedule the town and school district elections.*

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