

2021 Election Law Changes

(New sections and amended sections are in italics)

(Repealed sections are highlighted in yellow)

RSA 652:14-a relative to city chief election officers, is repealed. **(Chapter 177 (SB89) Repealed-Effective 9.28.21)**

RSA 652:27 Electronic Poll Books. I. Cities and towns are hereby authorized to use electronic poll book devices for voter registration and check-in for elections, *provided that any city or town using electronic poll book devices shall comply* with all statutes directly or indirectly related to voter checklists and maintenance of the statewide centralized voter registration database including the processes related to voter registration, voter check-in and check-out, the processing of absentee ballots, the collection of all fields of data required for registration or check-in, and the delivery of that data to the secretary of state in a format compatible with the statewide centralized voter registration database. The provisions of.....no changes.....for all other elections. A back-up system shall include a "real-time" download *or accurate account* of voters who have checked in or registered on the day of the election. The electronic poll book shall have the ability to generate a paper voter checklist completely marked to reflect participation in the election up to the time of any system failure or malfunction, *and* sufficient number of high speed printers shall be available in the polling place to produce a back-up paper checklist for use in the event of a system failure, *or a paper checklist shall be marked in parallel with the electronic poll book reflecting the real time check-in of voters with a lag time of no more than 10 minutes.* A marked checklist shall be printed upon the completion of every election along with any reports required by statute and shall be retained by the clerk.

II. The cities and towns shall assume all costs associated with electronic poll books. No electronic poll book program may proceed unless the electronic poll books system and application has been recommended for approval by an evaluator of electronic election systems *approved by the secretary of state* using requirements established by the secretary of state. Recommendations to the secretary of state from an evaluator of electronic election systems shall be conditioned upon safe use procedures. The secretary of state may approve electronic poll book systems, *in whole or in part*, based on recommendations from an evaluator of electronic election systems. No city or town may use an electronic poll book system that has not been approved by the secretary of state.

III. *For the initial use of an electronic poll book approved by the secretary of state, in whole or in part*, the city or town clerk shall file with the secretary of state all documentation that is necessary to show that all requirements in this section have been met no later than 30 days before an electronic poll book program shall take place.

Within 30 days.....no changes....voter registration database.

IV. *The secretary of state shall prepare at least once each calendar year a regularly updated set of instructions and best use practices for the use of electronic poll books in state elections based on reports from the city and town clerks, evaluation vendors, and electronic poll book system providers.* **[Chapter 101 (SB 46) Amended-Effective 8.30.21]**

RSA 653:I, VI(a) County Commissioners. (a) Hillsborough *county*-one county commissioner by those voters in each county commissioner district in *the county*; **[Chapter 14 (HB 380) Amended-Effective 6.22.21]**

RSA 653:1, VI(j) Grafton County Commissioners. (j) Grafton county-one county commissioner by the voters in each county commissioner district; provided that, at the 2022 state general election, the commissioner from district 3 shall be elected to a 2-year term, the commissioner from district 1 shall be elected to a 4-year term and the commissioner from district 2 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the voters of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 2022 state general election, the 4-year term shall be rotated in sequence starting with district 2. **[Chapter 14 (HB 380) NEW-Effective 6.22.21]**

RSA 654:2-a, III Voters Confined in Penal Institutions. III. In completing a voter registration form, as specified in RSA 654:7, or an absentee ballot application, as specified in RSA 657:4, I, 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. **[Chapter 96 (HB 555) Amended-Effective 8.30.21]**

RSA 654:12, III-a. Photograph Required. III-a. The supervisors of the checklist, town or city clerk, or election day official shall take a photograph of any person who registers using a qualified voter affidavit or sworn statement on the general election day registration form. Such photograph shall be retained in the same manner as qualified voter affidavits pursuant to RSA 33-A:3-a, CXLI(e). The photograph may be used for purposes of RSA 659:13, I(c). **[Chapter 111 (HB 523) NEW-Effective 9.7.21]**

RSA 654:13 General Voter Registration; 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.~~ If the applicant entered a place last registered to vote on the voter registration form, the supervisors shall enter that data into the statewide centralized voter registration database. 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. No changes to this section.

III. The secretary of state shall provide information on individuals who report being previously registered to vote out of state to the chief election officer of that state. The secretary of state may use secure electronic information transfer. The secretary of state shall pursue establishing routine secure electronic transfers of this information between states. When electronic information transfer from another state occurs the supervisors of the checklist where the person is registered in New Hampshire will receive notice through the statewide centralized voter registration database that the voter has registered in another state. Unless the supervisors possess evidence that the notice is inaccurate, they shall remove the voter from the checklist as provided in RSA 654:36.

[Chapter 175 (SB 31) Amended-Effective 9.28.21]

RSA 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 *with a full match*, 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. *For reports under RSA 5-C:4, V with a possible match, the city or town clerk shall look for an official notice of death and if available shall proceed as described in this section. If there is no official verification, the city or town clerk shall follow the procedures in RSA 654:37-a.* Upon receipt of such notice... no changesguilty of a violation. **[Chapter 137 (HB 285) Amended-Effective 9.21.21]**

RSA 654:45, I Address Maintenance. I(a) 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. *The database shall maintain addresses in accordance with United States Postal Service standardized addresses as described in the current USPS Publication 28.* (b) *The secretary of state shall provide for a verification process that voters sharing a place and date of birth, along with a substantially similar name to include nicknames or likely maiden/married name changes, are unique voters. Should any voter appear to be a duplicate, that information shall be forwarded to the supervisors of the checklist of the cities or towns involved for review and confirmation. The supervisor of the checklist shall notify the secretary of state of the result of such review, and should the records show that a single individual may have voted more than once in any election such information shall be forwarded to the attorney general for further investigation or prosecution.* **[Chapter 137 (HB 285) Amended-Effective 9.21.21]**

RSA 654:45, IV Address Verification. (d) Beginning July 1, 2022, the secretary of state shall, no less than annually, cause voter records to be checked with the United States Postal Service for changes of address. All records identified as moving shall be provided to the city or town supervisors of the checklist for verification pursuant to RSA 654:39, III. **[Chapter 137 (HB 285) NEW-Effective 9.21.21]**

RSA 655:18 Forwarding Declarations of Candidacy. I. Each city or town clerk shall forward each declaration of candidacy filed with him or her to the secretary of state on the day of filing of the same.

II. *City and town clerks shall provide to the secretary of state, on at least a daily basis, a summary of any filings received pursuant to this chapter each day. Such summary shall be submitted electronically and shall include the name and address of any candidate who has filed. The secretary of state shall then add those persons to the daily report for that day.*

III. *Clerks shall only be required to report to the secretary of state pursuant to this section on days the clerks' offices are open and receiving filings.* **[Chapter 127 (HB 77) Amended-Effective 9.21.21]**

RSA 655:19-C I. Nomination by Primary; Administrative Assessment. REMOVED the following words in Paragraph I: ~~(Neither the administrative assessment which is paid nor the primary petitions which are filed under section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5 a, voluntarily accepts the expenditure limitation set forth in RSA 664:5 b)~~ **[Chapter 168 (HB 263) Amended- Effective 9.28.21]**

RSA 657:4, I Absentee Voting; Forms. Adding the following to a reason for requesting an absentee ballot:

 I am confined in a penal institution for a misdemeanor or while awaiting trial.
[Chapter 96 (HB 555) Amended- Effective 8.30.21]

RSA 657:7, II Absentee Affidavit Envelopes. II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

Sections a and b are repealed.

YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

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.

One of the following applies to me:

- 1) I will be absent on election day. Absence include:
 - a) I will be out-of-town on election day.*
 - b) I will be unable to vote in person because I will be working.*
 - c) I will be unable to vote in person because I will be caring for children or infirm adults, with or without compensation.*
 - d) I am voting absentee on the Monday immediately before the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to my town/ward, and I have concerns for traveling in the storm.**
- 2) I am unable to vote in person due to disability.*
- 3) I am unable to vote in person due to observance of a religious commitment, which prevents me from voting in person.*
- 4) I am confined to a penal institution for a misdemeanor or while awaiting trial.*
I have carefully read or had read to me the absentee voting instructions. I personally marked the absentee ballot enclosed in this envelope, or, due to a disability, I had assistance in marking the absentee ballot.

Voter Signature _____

A person assisting a ~~disabled or blind~~ voter with a disability, shall ~~make and sign a~~ **make and sign a** ~~this 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.~~

I attest that I assisted (print voter name) _____ because the voter is a person with a disability. I marked the ballot and/or this form as instructed by the voter.

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. **(Chapter 175 (SB32) amended-Effective 12:01 a.m. 8.30.21)**

RSA 657:15, II Absentee Ballots Lists; Electronic Copies. Add the following sentence at the end of the current paragraph: *If requested this list shall be supplied electronically from the information in the statewide centralized voter registration database. If an electronic copy exists, it shall be provided without charge in accordance with RSA 91-A.* **(Chapter 187 (HB326) amended-Effective 10.9.21)**

RSA 657:15 Absentee Ballots; Political Parties. III. No changes to the first sentence. Information on the statewide absentee voter list shall be limited to voter

name, voter ID number, **and** the date the absentee ballot was requested, *and the date that the ballot was returned.* **(Chapter 132 (HB223) amended-Effective 9.21.21)**

RSA 657:15 Absentee Ballots; Political Parties. III-a. Political parties and persons bearing notarized requests from political parties 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, the date the absentee ballot was requested, and the date that the ballot was returned. **(Chapter 132 (HB223) NEW-Effective 9.21.21)**

RSA 657:15 Absentee Ballots; Political Parties. IV. The subscription... no changes...on a regular basis. *The secretary of state shall provide the list requested pursuant to paragraphs III and III-a at least once per week and at least twice per week for the 4 weeks prior to the election.* **(Chapter 132 (HB223) amended-Effective 9.21.21)**

RSA 658:14 Additional Polling Places: Officers. The moderator shall appoint an assistant moderator for each additional polling place and the town clerk shall appoint an assistant clerk for each additional polling place. Each assistant moderator and assistant clerk shall have their domicile in the **voting district covered by the additional polling place** town where they will serve. The powers...no changes...upon their duties. **[Chapter 125 (HB 476) Amended- Effective 9.12.21]**

RSA 658:18 Special Provisions for Cities. Cities may adopt the provisions of RSA 658:10-658:17. The city council shall create and discontinue the voting districts in city wards, establish the additional polling places therein, and select the election officers for the additional polling place. *Each assistant moderator and assistant clerk shall have their domicile in the city ward where they will serve.* **[Chapter 125 (HB 476) Amended- Effective 9.12.21]**

RSA 659:9-a City ~~Chief Election Officers Duties~~ Clerk Uniform Practices. The city ~~chief elections officer~~ clerk shall establish uniform practices and procedures that conform to state and federal law for the conduct of elections at all polling places within the city. The moderators and other election officials who conduct elections at the individual polling places within the city shall comply with the uniform procedures established for the city by the city ~~chief elections officer~~ clerk. The secretary of state shall resolve any conflicting interpretations of state and federal laws arising between the ~~chief elections officer~~ city clerk and other election officials. The legislative body of any city may vote to have the duties of the ward officers relative to the selection and equipping of polling places assigned to the city ~~chief elections officer~~ clerk. **[Chapter 177 (SB 89) Amended- Effective 9.28.21]**

RSA 659:13, I(c)(2) Photograph Required. (2) If the voter executes a challenged voter affidavit, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. *However, if a photograph was taken under RSA 654:12, then a notation shall be made on the challenged voter affidavit stating that the photograph is attached to the qualified voter affidavit or sworn statement on the general election day registration form.* The photograph shall be 2 inches by 2 inches, or larger and may be in

color or in black and white. The moderator...no changes...without a photograph.
[Chapter 111 (HB523) Amended- Effective 9.7.21]

RSA 659:45-a Certain Photography Prohibited. No person shall take or cause any photograph to be taken within the guardrail that captures another voter or another voter's ballot. **(Chapter 177 (SB89) NEW-Effective 9.28.21)**

RSA 664:3, VI Registration of Political Committees. VI. For purposes of filing expenditure reports pursuant to RSA 664:6 and RSA 664:7, a candidate for office may choose to file as a candidate or, if such candidate creates a candidate committee, as a candidate committee. **[Chapter 168 (HB263) NEW- Effective 9.28.21]**

RSA 664:4, V Prohibited Political Contributions. V. By any person (1) if in excess of \$5,000 in value to a candidate or a candidate committee, except for contributions made by a candidate in behalf of his own candidacy, or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, or in excess of \$10,000 in value to a political committee other than a political committee of a candidate, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:5-a and 664:5-b relative to voluntary political expenditure limitations is REPEALED. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:6, I Reporting by Political Committee. I. Any political committee whose receipts or expenditures exceed \$500 \$1,000 shall file with the secretary of state... no further changes. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:6, I Reporting by Political Committee. I. Any political committee whose receipts or expenditures exceed \$500 shall file with the secretary of state an itemized statement in the form prescribed by the secretary of state, signed by its chairman and treasurer showing each of its receipts exceeding \$25 \$50 with the full name and postal address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100 \$200. Statements... no changes...the statement is due. All receipts of \$25 \$50 or under shall appear on the statements as unitemized receipts. Any listing that exceeds an individual's aggregate total of \$100 \$200 for each election ... if any. The statement shall also show each committee expenditure exceeding \$25 \$50 with the full name and postal....of the registration. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:6, IV and IV-a Reporting by Political Committee. Change \$500 to \$1,000 in two places in section IV and in 3 places in section IV-a. No other changes. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:7 Reporting by Political Committee. Change \$500 to \$1,000 in one place. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:16-a, II Identification Required. II. Any person or entity who violates paragraph I shall be subject to penalty under RSA 664:21, IV and V. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 664:21 Penalty. Section I, (a),(b),(c),(d) and (e) are all repealed.

I. Any fine assessed under the provision of this section shall be paid to the secretary of state for deposit into the general fund.

II. Nothing in this section shall be construed to limit the enforcement powers of the attorney general under RSA 664:18.

III. Any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of \$5 under this paragraph.

IV. A person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under *paragraph III*. Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

V.(a) Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property shall be subject to a civil penalty not to exceed \$1,000. (b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the general fund. (c) The attorney general shall have authority to notify suspected violators of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

VI.(a) A political committee other than a political committee of a candidate that fails to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total amount of independent expenditures made during the period from the date the political committee was required to register to the date the political committee registered. (b) A political committee that fails to report independent expenditures in accordance with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent expenditures not reported or reported late.

VII. Any person who willfully makes and subscribes to any statement filed under this chapter that he or she does not believe to be true and correct as to every material matter shall be guilty of false swearing under RSA 641:2. **[Chapter 168 (HB263) Amended- Effective 9.28.21]**

RSA 671:33 School Planning Committees; Vacancies. I. No changes.

II-a. No changes

II-b. In a cooperative school district, the remaining school board members representing the same town or towns as the department member shall fill a vacancy on the school board, provided that there are at least 2 such members. *A member-at-large shall also be included as a representative of the same town.* No further changes.

III. No changes

IV. In a cooperative school district, the remaining budget committee members representing the same town or towns as the departed member shall fill a vacancy on the

budget committee, provided that there are at least 2 such members. *A member-at-large shall also be included as a representative of the same town.* No further changes.

[Chapter 91 (HB2) Amended- Effective 7.1.21]

RSA 671:33, V. School District Elections; Vacancies. *V. Any vacancy which occurs between the beginning of the filing period and the district election shall not be filled by official ballot until the annual district election the following year.* **[Chapter 42 (HB409) NEW- Effective 7.16.21]**