

Summary of Election Laws Affected by 2009 Legislative Session

RSA 32:5 V-a and RSA 40:13, V-a. A town may vote to include the vote of a budget item or any warrant article be placed on the ballot. If a town hasn't voted to do that, the governing body may include the vote on the ballot.

RSA 402:43-45 and RSA 417:4, XI. Insurance companies may now make political contributions.

RSA 644:4 Telephone Harassment; Voter Transportation. Provides for a penalty if someone makes harassing telephone calls to a number that is being used on election day to help voters get to the polls.

RSA 652:22 Authority; Format; Distribution. This change allows the secretary of state to distribute the New Hampshire Election Procedure Manual electronically.

RSA 654:1, I-a Voters and Checklists; Eligibility; Domicile; Students. Specifies that students attending school in NH may claim that city or town as their voting domicile as long as they are otherwise qualified.

RSA 654:7-c Observation to Voter Registration. Requires that an area is provided not within 5 feet of the voter registration table for observers to be able to hear the name and address of those persons registering to vote on election day.

RSA 654:12, I-III Determining Qualification of Applicant. Changes the *Citizenship Affidavit* to a *Qualified Voter Affidavit* which encompasses identity, citizenship and age of the voter.

RSA 654:20 Overseas Absentee Registration Affidavit. Changes are made to the overseas citizens absentee registration affidavit to include the voter's place and date of birth.

RSA 654:31-a Right to Know Exemption. This section just changes the reference of "citizenship and domicile affidavits" to read "qualified voter and domicile affidavits."

RSA 655:16 Personal Filing. This clarifies that any candidate who must file with the secretary of state and who files on the last day of a filing period, must do so in person with the secretary of state.

RSA 655:38 Disqualification of Candidate and RSA 655:39 Death of Candidate. If a candidate is disqualified or dies prior to an election, the party committees have 3 days to submit the name of a substitute candidate to the secretary of state.

RSA 655:40 Nomination Papers; General Provisions. This change specifies that nomination papers must be gathered and dated in the same year as an election.

RSA 655:42 Number of Nomination Papers. This specifies that persons signing nomination papers must be registered voters in the same district as the candidate.

RSA 655:43, II Filing Deadline. This specifies that any candidate who files a declaration of intent on the last day of a filing period must do so in person with the secretary of state.

RSA 655:47, I Declaration of Candidacy and RSA 655:48 Fees and RSA 656:31 Voting Materials; Form. These sections eliminate the words "vice-president". Candidates may not file for, nor will the office of vice-president be placed on the presidential primary ballot any longer.

RSA 656:40-43. Changes the reference of "voting machines" to "electronic ballot counting devices".

RSA 656:43-a Replacement . This section is repealed since lever voting machines no longer exist.

RSA 657:4, I Absentee Voting; Application Forms. A voter no longer needs to supply their date of birth when applying for an absentee ballot.

RSA 658:25 Designation of Ballot Clerks. Takes out the words "illiterate and physically disabled" and just refers to voters needing assistance in marking their ballots as "voters."

RSA 659:19 Voting on Questions. A voter shall vote on questions making *an appropriate mark* as instructed on the ballot next to the answer he *or she* desires to give

RSA 659:20 Assistance in Voting. Requires the moderator to inform a voter of the accessible voting options that are available if the voter asks for assistance in voting.

RSA 659:27 Challenge of Voter; Affidavit. If a voter is challenged at the polls, he or she shall complete the affidavit as provided in this section or the qualified voter affidavit.

RSA 659:30 and RSA 659:34, I(a) and 659:101. Changes reference from “citizenship” affidavit to “qualified voter” affidavit.

RSA 659:23, II and 659:42. Changes references from “voting machine” to “electronic ballot counting devices”

RSA 664:2, I Definitions; Election. Includes the presidential primary in the definition of election.

RSA 664:14-b Misrepresenting Origin of Campaign Call. Provides for a violation if campaign calls are misrepresented .

RSA 665:5, I Ballot Law Commission; Hearing Date. Provides for a date the ballot law commission must meet (if needed) after a presidential primary election.

Election Laws Affected by 2009 Legislative Session

Ch. 144
(HB 2)
Eff. 7/1/9
amend

RSA 5:6-d II and III. Election Fund. II. The treasurer shall deposit in the election fund all monies received by the state pursuant to the Help America Vote Act of 2002, Public Law 107-252. The treasurer shall also deposit in the election fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes of conducting elections, voter and election official education, election law enforcement, and related information technology projects and improvements, and shall credit any interest or income earned on monies on deposit to the fund.

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology.

Ch. 2 (SB 38)
Eff. 2/20/9
amend

RSA 32:5, V-a Budget Preparation. V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or *any* warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article. *If a town has not voted to require such tallies to be printed in the town warrant next to the affected warrant article, the governing body may do so on its own initiative.*

RSA 40:13, V-a. Use of Official Ballot. V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or *any* warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article. *If a town has not voted to require such tallies to be printed in the town warrant next to the affected warrant article, the governing body may do so on its own initiative.*

REPEALED

RSA 402:43-45 relative to the prohibition on political contributions by insurance companies. **REPEALED** by Ch. 96 (SB116) Effective: 6/12/9

RSA 417:4, XI, relative to inclusion of political contributions by an insurance company as an unfair insurance trade practice. **REPEALED** by Ch. 96 (SB116) Effective: 6/12/9

Ch. 320 (HB667)
Eff. 8/7/9
NEW

RSA 644:4 Telephone Harassment; Voter Transportation. IV. *A person shall be guilty of a class B felony if the person violates RSA 644:4, I(a) under circumstances involving making telephone calls to a telephone number that he or she knows is being used, at the time of the calls, to facilitate the transportation of voters to polling places or otherwise to support voting or registering to vote.*

In each of the following sections the words [election fund established pursuant to RSA 5:6-d] is replaced with *general fund*

Ch. 144 (HB2)
Eff 7/1/9
amend

RSA 654:31, V Availability of Checklist and Voter Information.

RSA 655:19, II Filing Fees.

RSA 655:19-c, II Administrative Assessment; Primary Petitions; Nomination Papers.

RSA 659:34, III(b) Wrongful Voting; Penalties for Voter Fraud.

RSA 659:43, IV (b) and (c) Distributing Campaign Materials at Polling Place.

RSA 659:45 Election Procedures; Prohibited Acts; General Provisions.

RSA 664:3, I Registration of Political Committees.

RSA 664:21, II Political Expenditures and Contributions; Enforcement; Penalty.

RSA 664:21, VI(b)-(c) Political Expenditures and Contributions; Enforcement; Penalty.

RSA 666:7-a, II(b)-(c) Impersonation of Candidates.

Ch. 214
(HB623)
Eff 9/13/9
amend

RSA 652:22 Authority; Format; Distribution. The secretary of state, with the advice and approval of the attorney general, shall prepare or cause to be prepared preceding each state general election an up-to-date manual on the New Hampshire election laws and procedures for conducting elections. The manual shall be written in nontechnical language. The manual shall be distributed free of charge to each moderator, board of selectmen, city council, and board of supervisors of the checklist and to each town, city, and ward clerk. *The secretary of state may distribute the manual in either electronic or printed format.* The secretary of state may distribute said manual to any other person who requests it.

Ch. 288
(HB 614)
Eff 9/27/9
NEW

RSA 654:1 I-a. Voters and Checklists; Eligibility; Domicile; Students. I-a. A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

Ch. 127
(HB387)
Eff 8/21/9
NEW

RSA 654:7-c Observation to Voter Registration. Any person shall have a right, as safety, welfare, and rights of voters permit, to observe in-person voter registration, wherever it is conducted, provided however, that the person may not be positioned within 5 feet of the voter registration table where the exchange of nonpublic information between the applicant for registration and the election official receiving the application may be heard or seen. When a person registers to vote on election day, the ballot clerk, upon adding the person's name to the checklist at the check-in table, shall publicly announce the person's name 2 times and shall publicly announce the address the person has registered as his or her domicile one time. These announcements shall be made in a manner that allows any person appointed as a challenger to hear the announcement. Where the physical layout of a polling place makes it impractical to position challengers or interested voters who are registered at that polling place where they can hear the announcement at the check-in table, the moderator shall arrange an alternative means for challengers or interested voters who are registered to vote at that polling place to be informed of the new voter's name and domicile address and be afforded an opportunity to challenge the voter at the check-in table.

Ch. 278
HB 265
Eff. 1/1/10
amend

RSA 654:12, I-III Determining Qualifications of Applicant. I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a *qualified voter* affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The *qualified voter* affidavit shall be in the following form:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____
Name at birth if different: _____
Place of birth: _____
Date of birth: _____
Date and Place of Naturalization: _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, *that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.*

Signature of Applicant _____

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

On the date shown above, before me, _____(print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

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

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older, *or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit.*

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street Ward Number

Town or City Zip Code

Date when current domicile was established: Month: _____ Year: _____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that my established domicile is at the current domicile address I have entered above. *I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.*

(Signature of applicant)

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

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

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

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

- (1) New Hampshire driver's license.
- (2) New Hampshire vehicle registration.
- (3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a *qualified voter*, domicile, or election day affidavit:

- (1) Photo driver's license issued by any state or the federal government.
- (2) United States passport, armed services identification, or other photo identification issued by the United States government.
- (3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through any reasonable means, including, but not limited to: photo identification not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or clerk, verification of the person's identity by another person registered as a voter and known to the supervisor or clerk, or completion of the *qualified voter* affidavit. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

RSA 654:20 Overseas Absentee Registration Affidavit. Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

Overseas Absentee Registration Affidavit

I, _____, do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

- 1) That I am a United States citizen; *Place of Birth: City: _____ State: _____ Country: _____*;
- 2) That I have been domiciled in a country outside the *boundaries of the* United States since _____.
(month)(year)
- 3) That I hold a valid passport or card of identity with Registration No. ____ issued by the United States Secretary of State;
- 4) That, immediately prior to my departure from the United States, I was legally domiciled in the state of New Hampshire at the following address:

Street and Number or Rural Route, etc.

City or Town

- 5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state; *Date of Birth: ____ (mm)/ ____ (dd)/ ____ (yyyy)*;
- 6) That I do NOT maintain a domicile, am NOT registered to vote, and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;
- 7) That my party affiliation (if any) is _____.
- 8) That my permanent address outside the *boundaries of the* United States is: _____

Street or Route Number

City, Province, Country

- 9) That I hereby make application for the addition of my name to the checklist of _____, New Hampshire, as an overseas citizen living outside the *boundaries of the* United States entitled to vote in any federal election held therein.

Signature of Applicant

Date

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

RSA 654:31-a Right to Know Exemption. This section remains the same except that in the 4 instances it refers to "citizenship and domicile affidavits" it will be changed to read "*qualified voter* and domicile affidavits".

RSA 655:16 Personal Filing. Except for those who must file with a town or city clerk, any person who files on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees.

RSA 655:38 Disqualification of Candidate and RSA 655:39 Death of Candidate. Changing the number of days that a substitute candidate may be submitted to the secretary of state from to within [5] days to within 3 days.

RSA 655:40 Nomination Papers; General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign *and date* an individual nomination paper. *Nomination papers shall be dated in the year of the election.*

Ch. 214
HB 623
Eff. 9/13/9
amend

Ch. 278
(HB 265)
Eff 1/1/10 amend

Ch. 214
(HB 623) →
eff 9/13/9
amend

Ch. 214
(HB 623)
eff 9/13/9
amend →

RSA 655:42 Number of Nomination Papers. I. It shall require the names of 3,000 registered voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, United States senator, or governor.
II. It shall require the names of 1,500 voters *registered in the district* to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

RSA 655:43, II. Filing Deadline. II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his or her name placed on the ballot unless the candidate files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a. *Any person who files on the last day of the filing period must do so in person before the secretary of state.*

Ch. 33
(HB35)
Eff 7/14/9
amend

RSA 655:47, I Declaration of Candidacy. I. The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate:

I, _____, declare that I am domiciled in _____, in the city (or town or unincorporated place) of _____, county of _____, state of _____, and meet the qualifications for the office of *president*; that I am a registered member of the _____ party; that I am a candidate for nomination for the office of *president* to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of said _____ party as a candidate for such nomination.

RSA 655:48 Fees. I. No candidate for the office of president shall have his or her name placed on the ballot for the presidential primary unless the candidate shall pay to the secretary of state at the time of filing the declaration of candidacy a fee of \$1,000.

II. Any person otherwise qualified to run for president, who is unable to pay the filing fee as described in paragraph I by reason of indigence may, after proving such indigence, have his or her name printed on the presidential primary ballot of any party by filing with the secretary of state 10 primary petitions from each county of the state signed by registered voters of the party, who are domiciled in New Hampshire, together with one written assent to candidacy pursuant to RSA 655:25. The primary petition shall be in substantially the following form:

State of New Hampshire

I do hereby join in a petition for the printing on the presidential primary ballot of the name of _____ whose domicile is in the city (town) of _____ (street and number and ward if in a city) _____, in the county of _____, state of _____, for the office of *president* to be voted for on Tuesday, the _____, day of _____, 20____, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the _____ party, and am not at this time a signer of any other similar petition for any other candidate for the above office.

Voter's Signature _____
Print Voter's Name _____
Voter's Domicile _____
street address _____
Town or City (Ward) _____

Voter's Mailing Address _____
street address _____
Town or City Zip Code _____

I certify that the signer above is a registered member of the _____ party and a registered voter in the town/city of _____.

Date of Filing _____ Signature of Town (City) Clerk _____

Ch. 33 (HB 35)
eff 7/14/9
amend

RSA 656:31 Voting Materials; Form. On the presidential primary election ballot of each political party, there shall be one column for the office of president. The *column* shall be headed "Candidate of the (insert name of party) Party for President of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President of the United States to be as follows." Below these words, there shall be printed "(VOTE FOR NOT MORE THAN ONE)" followed by the name, town or city, and state of each candidate with boxes directly to the right. There shall always be one blank space on the ballot below the candidate's names to allow for writing in the name of a candidate.

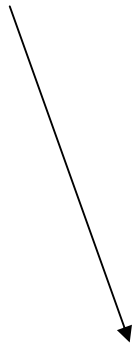
Ch. 70
(HB105)
Eff 8/8/9
amend

RSA 656:40 Adoption. The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one or more *electronic ballot counting* devices for *the* counting of ballots in such city or town on a trial basis for any regular or special election and pay the expense of such trial from any available funds. The use of such devices so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase *electronic ballot counting* devices for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to *electronic ballot counting* devices; and, after said action, *electronic ballot counting* devices shall be used in said town or city in accordance with said vote or authorization.

Ch. 70
(HB105)
Eff 8/8/09
amend



RSA 656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine devices for *the 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. The commission shall approve such device in its discretion, and no device shall be used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission. Any device that is altered must be re-approved before it is used in any election in this state. For the purposes of this section, a *device* shall be considered altered if any mechanical or electronic part, hardware, software, or programming has been altered.



RSA 656:42, I-V Electronic Ballot Counting Devices. I. The ballot law commission shall make such rules as may be necessary to ensure the accuracy of *electronic ballot counting* devices, including rules for the testing of *electronic ballot counting* devices prior to each election and the submission of testing records to the secretary of state. The ballot law commission shall make such rules as may be necessary in order that *electronic ballot counting* devices may be used in this state in such a manner that the election laws may be complied with as far as possible. Said commission shall have the power and authority in making rules to declare certain laws relative to distribution and marking of ballots and other requirements inconsistent with the use of *electronic ballot counting* devices ineffective in towns and cities adopting such a method of voting. The presiding officer at each polling place shall enforce the rules of the ballot law commission made under the authority of this section.

II. Consistent with the rules of the ballot law commission the secretary of state shall include protocols for the testing of *electronic ballot counting devices* in the election manual authorized by RSA 652:22. Each *device* shall be tested after installation and prior to each election.

III. Any company, partnership, proprietorship, or other person, wherever located, which supplies, maintains, or programs *electronic ballot counting devices* which are used in elections in New Hampshire is subject to regulation by this state.

IV. Each person described in paragraph III shall designate, in writing, an agent for service of all process, including, but not limited to summonses, writs, orders, petitions, and subpoenas, and shall agree in writing that the attorney general, in conjunction with any election investigation, may inspect its records, machines or other devices, and premises.

V. Any such person described in paragraph III who fails to properly program and test *electronic ballot counting devices* shall be liable to reimburse the state for the cost of any recount which is necessitated by such failure.

Ch. 70
(HB 105) Eff
8/8/9
amend

RSA 656:43 Lease or Purchase. Any town or city authorizing the use of *an electronic ballot counting* device for *the* counting of ballots shall pay the cost of lease or purchase. When such a device is purchased by a town or city, the person from whom such *device* is purchased shall give to the secretary of state a suitable bond with sufficient sureties to keep such *device* in good working order for not less than 2 years at the seller's own expense.

REPEALED

RSA 656:43-a relative to voting machine replacement. Repealed by Ch. 70 (HB105) Eff. 8/8/9

Ch. 288 (HB 614)
Eff 9/27/9 amend

RSA 657:4, I Absentee Voting; Application Forms. The only change to this form is the elimination of [DOB] under applicant's name.

Ch. 139
(SB118)
Eff 8/28/9
amend

RSA 658:25 Designation of Ballot Clerks. Two of the inspectors, one from each of the 2 political parties, shall be designated by the moderator at the opening of the polls to act as ballot clerks. They shall have charge of the ballots and shall furnish them to the voters. They shall be given a duplicate copy of the checklist by the town or ward clerk. The other inspectors shall be assigned such duties in the polling place as the moderator may determine including, but not limited to, the relief of the ballot clerks and the assistance of *voters marking* their ballots as provided in RSA 659:20.

Ch. 214 (HB 623) eff 9/13/9 amend

RSA 659:19 Voting on Questions. A voter shall vote on questions submitted to voters by making *an appropriate mark* as instructed on the ballot next to the answer he *or she* desires to give.

Ch. 139 (SB118) Eff 8/28/9 amend

RSA 659:20 Assistance in Voting. Any voter who declares to the moderator under oath that said voter *needs assistance marking* his or her ballot shall, upon the voter’s choice and request *after the moderator has informed the voter of the accessible voting options that are available at the polling place*, receive the assistance of one or both of the inspectors of election detailed for that purpose by the moderator or of a person of the voter’s choice provided that the person is not the voter’s employer or union official. Such person so assisting shall be sworn, shall mark the ballot as directed by said voter, and shall thereafter give no information regarding the same. Such person so assisting shall leave the space within the guardrail with the voter.

HB 265 not signed yet eff 1/1/0

RSA 659:27 Challenge of Voter; Affidavit. Any voter at any state election may challenge any other voter offering to vote at such election, and the moderator shall not receive the vote of the person so challenged until he *or she* shall sign and give to the moderator an affidavit in the following form: I, _____, do solemnly swear (or affirm) that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward) and have a legal domicile therein. *In the alternative, a challenged voter may fill out and sign a qualified voter affidavit.*

Ch. 278 (HB 265) Eff 1/1/10 amend

RSA 659:30 Affidavit. The affidavit of a challenged voter, a *qualified voter affidavit*, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before any person authorized by law to administer oaths or before any election officer.

Ch. 278 (HB 265) Eff 1/1/10 amend

RSA 659:34 I(a) When registering to vote; when obtaining an official ballot; or when casting a vote by official ballot, makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a *qualified voter affidavit*, a domicile affidavit, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

Ch. 70 (HB105) Eff 8/8/9 amend

RSA 659:23, II Electronic Ballot Counting Devices. II. The provisions of paragraph I shall not apply in cities and towns which use one or more *electronic ballot counting devices* for *the counting of ballots* as provided in RSA 656:40.



RSA 659:42 Tampering with Electronic Ballot Counting Devices. Whoever shall tamper with or injure or attempt to injure any *electronic ballot counting device* for the counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such device or whoever shall tamper with software used in the counting of ballots or design such software so as to cause incorrect tabulation of the ballots or any unauthorized person who shall make or have in his or her possession a key to *an electronic ballot counting device* to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

Ch. 278 (HB 265) Eff 1/1/10 amend

RSA 659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, and the *qualified voter affidavits* and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official, may be preserved in the same manner that ballots are preserved. *Qualified voter, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials may be destroyed one year after the first state general election at which the individual may vote.*

Ch. 50 (HB 267) Eff. 7/21/9 amend

RSA 664:2, I Definitions; Election. I. “Election” means any general biennial or special election, political party primary, *or presidential preference primary as provided in RSA 664:1.*

Ch. 320 (HB667) Eff. 1/1/10 NEW

RSA 664:14-b Misrepresenting Origin of Campaign Call. I. *No person shall knowingly misrepresent the origin of a telephone call which expressly or implicitly advocates the success or defeat of any party, measure, or person at any election, or contains any information about any candidate or party. Such knowing misrepresentation shall include, but shall not be limited to, causing the displayed caller identification information, as defined in RSA 359-E:1, I-a, to indicate that a telephone call originates from a number, person, or organization other than the number, person, or organization originating the call, or making a call knowing that some other person has caused said misrepresentation, except if the displayed*

caller identification number is a number at which the person or organization responsible for sponsoring or making the call may directly receive a return call.

II.(a) A violation of this section shall result in a civil penalty of \$5,000 per violation.

(b) Any person injured by another's violation of this section may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the act or practice was a willful or knowing violation of this section, it shall award as much as 3 times, but not less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages as set forth in this paragraph shall be void and unenforceable. Injunctive relief shall be available to private individuals under this section without bond, subject to the discretion of the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

Ch. 44 (HB 622)
Eff. 7/14/9 amend

RSA 665:5, I Ballot Law Commission; Hearing Date. I. If necessary, the ballot law commission shall meet on the fourth Friday of September in each general election year *and the third Friday following the presidential primary election* in order to hear and decide: