

How are votes challenged?

659:27 Challenge of Voter; Affidavit

I. A voter offering to vote at any state election may be challenged by any other voter registered in the town or ward in which the election is held, an election official, a challenger appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney general pursuant to RSA 666:5.

II. Upon receipt of a written challenge, the moderator shall determine if the challenge to the ballot is well grounded. If the moderator determines that the challenge is well grounded, the moderator shall not receive the vote of the person so challenged until the person signs and gives to the moderator an affidavit in the following form: I, _____, do solemnly swear (or affirm) under penalties of voter fraud, 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. If the moderator determines that the challenge is not well grounded, the moderator shall permit the voter to proceed to vote.

III. No voter or appointed challenger shall challenge a person's qualifications to be a voter at the election day registration table. If you want to assert a challenge, see the moderator.

659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified voter 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.

659:31 Receiving Vote. A moderator shall not receive the vote of any voter who is challenged and who refuses to make an affidavit as required by RSA 659:27 or 659:29. A moderator who does receive the vote of such voter shall be guilty of a violation.

659:32 Affidavits Recorded. The town clerk shall record the name and domicile of all voters making such affidavits, the name of the person challenging and the reason for the challenge.

659:103 Preservation of Challenge Affidavits. The forms completed by challengers and affidavits made by challenged voters as provided in RSA 659:27 and RSA 659:27-a shall be preserved in accordance with RSA 33-A:3-a.

RSA 659:104 Penalties. I. Where no other penalty is provided, whoever violates any provision of this chapter shall be subject to a civil penalty not less than \$250 nor more than \$1,000.

II. The attorney general shall notify persons subject to this section of the state's intention to seek a civil penalty, and of the ability to negotiate with and to settle with such suspected violators without court action, provided that any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

666:4 Challengers Appointed by Party Committee. The state committee of a political party may appoint a person to act as challenger of voters at any polling place in the state at a state election. A city or town committee of such a party may appoint a person to act as such challenger at any polling place in such city or town at a town election, business meeting, or city election. A statement signed by the chairman of the committee appointing him shall be sufficient evidence of the authority of any such challenger. He may be reasonably compensated for his services by the political party whose committee appointed him. He shall be assigned by the moderator or other election officer presiding at the polling place to such position within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

666:5 Challengers Appointed by Attorney General. The attorney general may appoint a person to act as challenger of voters at any polling place in the state at a state election. A statement signed by the attorney general appointing him shall be sufficient evidence of the authority of any such challenger. He shall be assigned by the moderator or other election officer presiding at the polling place to such position or positions within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

666:5-a Challengers; Where Positioned. Notwithstanding any other provision of law to the contrary, a challenger appointed pursuant to RSA 666:5 shall be assigned by the moderator or other election official presiding at the polling place to such position or positions within the polling place as will enable such challenger to see and hear the hand-counting of ballots for the tabulation of votes, and to maintain a line of sight on any electronic ballot counting device. Nothing in this section shall deprive any other person of the right to observe the hand-counting of ballots for the tabulation of votes as provided by law.

Reporting Violations

If you have witnessed efforts to commit any kind of fraud or corruption in the voting process, you may report this to:

The Moderator at your polling place

The N.H. Attorney General's Office toll free at 1-866-868-3703 (866-VOTER03)
or
electionlaw@doj.nh.gov

The Secretary of State's Office at (603) 271-3242 or elections@sos.nh.gov
Website: www.sos.nh.gov

For federal offenses you may also notify:
The U.S. Attorney for New Hampshire at (603) 225-1552

If you have witnessed actual or attempted acts of discrimination or intimidation in the voting process, you may report to the Civil Rights Division of the U.S. Department of Justice at 202-514-4609

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