

Election Day Registration New Hampshire Voter ID Law

654:7-a Registering at the Polling Place; Election Day Registration.

I. The provisions of this section and those of RSA 654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, to all town, city, school district, and village district elections, and to all official ballot meetings where persons may vote by absentee ballot. A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration form provided for in RSA 654:7, IV(c). The provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA 654 to the contrary.

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12.

III. Any person who is waiting to register to vote at the polling place on election day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

654:7-b Effect of Registration on Election Day. Any person who registers to vote on election day according to the provisions of RSA 654:7-a shall be registered to vote at all subsequent town, city, school district, village district, state, and federal elections unless the person's name is removed from the checklist in accordance with the provisions of this chapter.

659:13 Obtaining a Ballot; Use of Out-of-State Identification.

I. (a) A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name and address to one of the ballot clerks who shall, if the name is found on the checklist by the ballot clerk, repeat the name and address. If the address announced by voter is different from what appears on the checklist, but is in the same town or ward, the ballot clerk shall record the change of address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the change.

(b) The voter, unless challenged as provided for in RSA 659:27 through 659:33, shall then be asked to present proof of his or her identity meeting the requirements of paragraph II. If the voter presents such proof of identity to the ballot clerk, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. If the photo identification is an out-of state driver's license or nondriver's identification card, the ballot clerk shall record the state of issuance on the checklist in accordance with uniform procedures developed by the secretary of state in a color designated for such entries and the supervisors of the checklist or designee shall record the state of issuance of the voter's driver's license or identification card in the statewide centralized voter registration database within 30 days of the election. The voter shall then be allowed to enter the space enclosed by the guardrail to mark and cast his or her ballot.

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall direct the voter to see the supervisor of the checklist.

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(2) The supervisor of the checklist shall review the voter's qualifications and determine if the voter's identity can be verified.

(3) If the supervisor of the checklist cannot verify the voter's identity, the supervisor of the checklist shall inform the voter that he or she may execute a challenged voter affidavit and cast an affidavit ballot in accordance with RSA 659:23-a. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a challenged voter affidavit and casts an affidavit ballot, the ballot clerk shall mark the checklist in accordance with uniform procedure developed by the secretary of state.

(4) If the voter executes a challenged voter affidavit and casts an affidavit ballot, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to the duplicate copy of the affidavit voter verification letter to be delivered to the secretary of state. The photograph shall be 2 inches by 2 inches, or larger, and may be in color or in black and white. The moderator or his or her designee who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a challenged voter affidavit and cast an affidavit ballot without a photograph.

(5) If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by an election officer and attached to the challenged voter affidavit.

(6) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a challenged voter affidavit and cast an affidavit ballot.

II. (a) A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued. The photo identification shall also have an expiration date that has not been exceeded by a period of more than 5 years, except that a voter 65 years of age or older may use an otherwise qualified form of identification without regard to expiration date, and except that student identification cards shall comply with the date requirements in subparagraph (5). The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

(1) A driver's license issued by any state or the federal government.

(2) An identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b or a nondriver's identification card issued by the motor vehicles division, department, agency, or office of any other state.

(3) A United States armed services identification card.

(4) A United States passport or passcard.

(5) A valid student identification card if:

(A) The card is issued by:

(i) A college, university, or career school in New Hampshire and approved to operate or licensed to operate in New Hampshire.

(ii) A public high school in New Hampshire.

(iii) A nonpublic high school in New Hampshire accredited by a private school accrediting agency that is recognized by the department of education.

(iv) Dartmouth College.

(v) A college or university operated by the university system of New Hampshire or the community college system of New Hampshire.

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(B) The card has either an expiration date or an issuance date that has not been exceeded by a period of more than 5 years, except that, at all elections prior to September 1, 2018, student identification cards without a date of expiration or issuance shall be accepted.

(6) A challenged voter affidavit in accordance with subparagraph I(c).

(7) A photo identification not authorized by subparagraphs (1) through (6) but determined to be legitimate by the supervisors of the checklist, the moderator, or the clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no verification was made. When an election official uses personal recognizance as a substitute for required documentation under this section, the moderator or clerk shall print in the margin of the checklist, next to the name of the voter so qualified, one of the following to identify the official who validated the voter: "P-x-AB" where "P" indicates personal recognizance; "x" shall be "M" for moderator or "C" for clerk; and AB are the first and last initials of the moderator or clerk. By initialing the checklist, the moderator or clerk personally affirms, under penalty of perjury, the identity of the voter they are qualifying to vote.

(c) The secretary of state shall post the lists of educational institutions provided by the commissioner of the department of education under RSA 21-N:4, VII on the department of state's website, and otherwise shall make such lists available to local election officials.

(d) The secretary of state shall provide training for supervisors of the checklist on how the nonpublic data in the statewide centralized voter registration database may be used to satisfy voter identification requirements.

(e) The secretary of state shall develop and make available an informational pamphlet explaining the procedure established in RSA 260:21 for obtaining a picture identification card for voter identification purposes only.

III. If a voter on the nonpublic checklist executes an affidavit in accordance with subparagraph I(c), the affidavit shall not be subject to RSA 91-A.

IV. (a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed by January 10 in every odd-numbered year in the case of persons executing challenged voter affidavits or affidavits of religious exemption at a state primary or general election, or within 90 days after any other election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

(b) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office and of voters who were mailed letters under subparagraph (a) and have not responded to the secretary of state. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed. The attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.

(c) Within 60 days after any election held after November 1, 2012, the secretary of state shall compile a report by voting district of the number of voters who registered or voted on election day but did not present valid photo identification, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

V. (a) The secretary of state shall provide to each town or city the photography equipment, supplies, and printing device that are necessary to enable it to comply with the photograph provision of subparagraph I(c), along with instructions in their use.

(b) If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the secretary of state may waive a voter's compliance with the photograph requirement of subparagraph I(c).

659:13-b Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Domicile Address: _____

Date of Birth: _____

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when 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.

This affidavit was executed before us on the date shown and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

(Date) _____ (Name of Election Officer)

(Signature of Election Officer)

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.

RSA 659:23-a Affidavit Ballots. I. For all elections, if a voter on election day is registering to vote for the first time in New Hampshire and does not have a valid photo identification establishing such voter's identification, or does not meet the identity requirements of RSA 659:13, then such voter shall vote by affidavit ballot pursuant to this section.

II. The authorized election official shall hand the affidavit ballot voter an affidavit voter package and explain its use. The affidavit voter package shall be designed, produced, and distributed by the secretary of state, and shall contain the following:

(a) A prepaid U.S. Postal Service Priority Mail Express (overnight delivery) envelope addressed to the secretary of state for the affidavit voter to return the affidavit verification letter described in subparagraph (b) and any required missing documentation that necessitated voting by affidavit ballot. The return addresses on this envelope shall be for the office of the secretary of state.

(b) An affidavit voter verification letter, in duplicate form, which lists all the documents required to qualify to vote in the state of New Hampshire. The authorized election official shall mark on both copies of the verification letter which qualifying documents were not provided, thereby necessitating voting by affidavit ballot. One copy of the affidavit verification letter shall be given to the voter; the other copy shall be retained by the authorized election official. The voter shall be required to return their copy of the affidavit verification letter and a copy of any required documentation to the secretary of state in the provided prepaid U.S. Postal Service envelope within 7 days of the date of the election in order for the ballot to be certified.

III. The moderator shall mark each affidavit ballot "Affidavit Ballot #___ sequentially, starting with the number "1".

IV. All affidavit ballots shall be cast in person at the polling place, placed in a container designated "Affidavit Ballots," and hand counted after polls have closed using a method prescribed by the secretary of state for hand counting and confirmation of candidate vote totals. After completion of counting, the moderator shall note and announce the total number of votes cast for each candidate, and the total number of affidavit ballots cast in the election. No later than one day after the election, the moderator shall forward all affidavit ballot verification letters to the secretary of state using a secure means of transmission or delivery.

V. On the seventh day after the election, if an affidavit ballot voter has failed to return the verification letter with the missing voter qualifying documentation to the secretary of state, either in person or using the prepaid U.S. Postal Service Priority Mail Express Envelope, the secretary of state shall instruct the moderator of the town, city, ward, or district in which the affidavit ballot was cast to retrieve the associated numbered affidavit ballot and list on a tally sheet, by candidate or issue, the votes cast on that ballot. The counting of votes on affidavit ballots identified by the secretary of state as unqualified shall be conducted by the town, city, ward, or district using the same methods of counting and observation utilized on the day of the election for hand counted ballots. The votes cast on such unqualified affidavit ballots shall be deducted from the vote total for each affected candidate or each affected issue.

VI. No later than 14 days after the election, any town, city, ward, or district in which any affidavit ballots were cast, and not subsequently verified, shall provide to the secretary of state a summary report, by race or ballot issue, of the total votes cast by the unqualified voters. The total vote minus the unqualified affidavit ballot vote for each race or issue shall be the final vote to be certified by the appropriate certifying authority.

VII. The names of affidavit voters whose verification letters are either not returned to the secretary of state or which do not provide the required voter qualifying information shall be referred by the secretary of state to the New Hampshire attorney general's office for investigation in accordance with RSA 7:6-c.

VIII. Any written, electronic, or other information related to an affidavit voter who provides the required information verifying their right to vote shall not be subject to disclosure under RSA 91-A or any other law.

IX. All written documentation relating to affidavit ballots shall be delivered to the secretary of state by local election officials in sealed packages using a secure means of transportation and stored pursuant to RSA 659:95 through 659:103.

Federal Law has a parallel provision.

Voting assistance for blind, disabled or illiterate persons.

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. 52 U.S.C. §10508

Voting Rights Established by Federal Law

Extended Hours Voting Voters who vote in an election for federal office after the established time for polls to close due to a court order requiring the polls to remain open for extended hours will have to vote on a ballot marked "EH." (Does not apply to voters who are in line at the time the polls were advertised to close). 52 U.S.C. §21082; NH RSA 659:26-a.

If my application to register to vote is denied, do I have a right to know why? Voters are entitled to notice of the disposition of their voter registration application. RSA 654:13

Voters who are otherwise qualified to register and vote may be entitled to register and vote absentee in an election for federal office if they are in the military or are residing overseas. RSA 654:16; RSA 654:20

Right to be Free of Discrimination. Jurisdictions must not apply standards or practices which deny the right to vote on account of race, which deny any individual the right to vote on account of errors or omissions in registration applications which are not material to determining whether such individual is qualified to vote, and must not apply different standards or procedures to voters in determining whether they are qualified to vote. 52 U.S.C. §10101

Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities. NH Constitution Part 1, Article 11

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