

SB 15 - AS AMENDED BY THE SENATE

02/20/03 0254s

02/20/03 0385s

04/03/03 0984s

2003 SESSION

03-0275

03/09

SENATE BILL ***SB 15***

AN ACT relative to election day registration.

SPONSORS: Sen. Boyce, Dist 4; Rep. Alger, Graf 14; Rep. Dudley, Graf 18

COMMITTEE: Internal Affairs

AMENDED ANALYSIS

This bill revises the affidavit requirements for persons registering to vote on election day to require the applicant to acknowledge the implications of declaring residency in New Hampshire.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to election day registration.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Voters and Checklists; Registering at Polling Place, Same Day Registration; Affidavit. RSA 654:7-a, II is repealed and reenacted to read as follows:

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 may be required to produce appropriate proof of qualifications as provided in RSA 654:12. The applicant shall complete an election day affidavit which shall be supplied by the secretary of state, and which shall contain the following written oath or affirmation:

"My name is _____. I am today registering to vote in the city/town of _____, New Hampshire.

I understand that to vote in this city/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By voting today, I am acknowledging that I am not domiciled in any other state or any other city/town. I understand that if I were domiciled in another state or city/town, I would be entitled to vote in elections held within that state or city/town by absentee ballot.

In declaring New Hampshire as my domicile, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits or rights, including the right to vote in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town on this day, and I have not voted and will not vote at any other polling place this election."

Date Signature

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.

2 Effective Date. This act shall take effect 60 days after its passage.

LBAO

03-0275

3/13/03

AN ACT relative to election day registration.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Justice, and Association of Counties state this bill, as amended by the Senate (**Senate Amendments #2003-0254s and #2003-0385s**), may increase state and county expenditures by an indeterminable amount in FY 2004 and each year thereafter. There will be no fiscal impact on state, county, and local revenue or local expenditures.

METHODOLOGY:

The Judicial Branch states this bill creates a class A misdemeanor for knowingly or purposely providing false information on the affidavit election day registrants are required to sign. A class A misdemeanor carries the potential of incarceration, and therefore, the potential for de novo appeals to the superior court for a jury trial. Despite the potential for expense to the judicial branch, historically there have been no prosecutions pursuant to RSA 659. On the assumption that historical experience will continue into the future, the fiscal impact on the judicial branch would be minimal.

The Judicial Council states for the purposes of determining the fiscal impact, it is assumed that any cases arising from the enactment of this law for which the Indigent Defense Fund may be liable, will, in the first instance be handled by the public defender or contract attorneys who accept these cases on a fixed fee basis of \$250 per misdemeanor charged. If an assigned council attorney must be used, the hourly rate of \$60 with a fee cap of \$1,000 will apply. If a motion to exceed the fee cap is approved and/or "services other than counsel" are approved, these will also be chargeable to the Indigent Defense Fund. The Council is unable to predict the number of cases or trials that may arise as a result of the passage of this legislation, and are unable to determine the exact fiscal impact at this time.

The Department of Justice states this bill will involve the agency in additional litigation. Costs would include the production of documents, research, travel, overtime for support staff, and additional caseloads for attorneys. Exclusive of staff time, the cost of litigation averages \$2,388 for civil cases and \$1,351 for criminal cases. In addition, any increase in the number of complaints to the agency will increase both workload and the priority in which they are handled. The Department is unable to determine the exact fiscal impact at this time.

The Association of Counties states this bill expands the misdemeanor penalty section of RSA 654:7, which could create a cost for the county correctional facilities. The direct impact on county expenditures will depend on the number of individuals sentenced, as well as those who are incarcerated pre-trial in a county facility. The average annual cost for counties to incarcerate inmates is \$21,633.

The Department of State states this bill will have no fiscal impact on the Department.