

CITY COUNCIL MEETING

AGENDA ITEM VII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting, November 3, 2014

From: Katie Gargano, City Clerk/ Tax Collector

Subject: Franklin City Council to consider supporting a policy the City Clerk has created regarding voting on Election Day with an Absentee Ballot for emergency purposes only. This policy was created so that there is consistency across all wards.

Recommending motion:

1. Councilor moves: "I move the Franklin City Council support the City Clerk's new policy for emergency situations requiring voting on election day with an Absentee Ballot. This policy was created to create consistency throughout the wards."
2. Mayor asks for a second, discussion, and calls the vote.

Background:

On election day there is a possibility that a voter may not be able to get into the polling area to vote and by RSA 659:38 a regular ballot may not be brought past the guard rail of the polling place. On Election Day the voter has missed the deadline for voting absentee the proper way. However, with permission of the Attorney General's office under special circumstance an absentee ballot may be brought to the voter. This policy will not promote curbside voting and will not be something that will be allowed repeatedly for any voter. I want to help ensure everyone who chooses to vote has the ability to exercise their right to do so. In order to create consistency for all election officers this policy was created.

Fiscal Impact: None

Attachments/ Exhibits:

- Emergency Absentee Ballot Policy & Procedure
- Absentee Ballot Application
- Supporting NH RSA's



CITY OF FRANKLIN- ELECTION POLICY

Emergency Absentee Ballot Policy & Procedure

Our goal is ensure everyone who chooses to may exercise their right to vote on Election Day.

In the event that a voter has an emergency that arose unexpectedly on Election Day, an Election Officer (RSA 652:14) shall bring an absentee ballot to the voter to complete and return the ballot to the polling place. The Election Officer will travel no further than the parking lot adjacent to the building in which the election is being held to deliver the ballot to the voter and will be accompanied by a uniformed Police Officer. The Election Officer will bring an absentee application along with the ballot to the voter to be completed. This policy will not promote curbside voting and will not be allowed to be repeated for any voter; it is for emergency purposes only. If this policy is used the voter will be notified on the proper way to vote in the future and that this will not be repeated. This policy is only valid on Election Day and can only be accommodated from the time the polls open until 5:00 pm. Under no circumstances will any Election Officer deliver any absentee ballots to homes, nursing home facilities, or hospitals, etc.

652:14 Election Officer. – "Election officer" shall mean any moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar.



STATE OF NEW HAMPSHIRE
Application for State Election Absentee Ballot

(RSA 657:4)

Absence (Excluding Absence Due to Residence Outside the United States),
Religious Observance, and Disability

For Official
Use Only

Voter Not
registered ☐

Voter ID # _____

Date Returned: _____

Date Mailed: _____

Date Requested: _____

I. I hereby declare that (check one):

- ☐ I am a duly qualified voter who is currently registered to vote in this town/ward.
☐ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

II. New Hampshire law requires that you vote in person at the polling place for your town or ward unless you declare one of the following absences:

I will be entitled to vote by absentee ballot because (check one):

- ☐ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.
☐ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.
☐ I cannot appear in public on election day because of observance of a religious commitment.
☐ I am unable to vote in person due to a disability.
☐ I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24

III. I am requesting an official absentee ballot for the following election (check only one):

- ☐ State Primary Election to be held on September 9, 2014*
*Required for Primary Elections: I am a member of, or I am now declaring my affiliation with a party and I am requesting a ballot for that party's primary (**check only one**):
☐ Democratic Party ☐ Republican Party
☐ State General Election to be held on November 4, 2014
☐ Special Election to be held on _____.

IV. Applicant's Name (Please Print):

Last Name First Name Middle Name (Jr., Sr., II, III)

Applicant's Voting Domicile (home) Address:

Street Number Street Name Apt/Unit City/Town Ward Zip Code

Mail the ballot to me at this address (if different than the above home address)

Street or PO Box # Street name Apt/Unit City/Town State Zip Code

Applicant's Signature: _____ Date Signed: _____

(Voter **must sign** to receive an absentee ballot)

Mail/fax/or hand deliver this completed form to your local City/Town Clerk.

Visit our website for local clerk addresses and fax numbers: <http://efs.sos.nh.gov/app/Public/Reports.aspx>

TITLE LXIII ELECTIONS

CHAPTER 656 PREPARATION OF VOTING MATERIALS

Absentee Voters

Section 656:33

656:33 Official Absence, Religious Observance, and Disability Absentee Ballots. – Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, absence, religious observance, and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

Source. 1979, 436:1; 308:1. 1981, 392:2. 1996, 88:5, eff. July 14, 1996.

TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Eligibility

Section 657:1

657:1 Absence, Religious Observance, and Disability Absentee Voting. – Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this chapter.

Source. 1979, 436:1; 308:2. 2006, 136:1, eff. July 21, 2006.

TITLE LXIII ELECTIONS

CHAPTER 657 ABSENTEE VOTING

Election Day

Section 657:22

657:22 Cutoff. – In any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day except as provided in RSA 657:21-a, V. The clerk shall record absentee ballots received after such time in the statewide centralized voter registration database with the return date and shall mark the ballot as rejected due to absentee ballot receipt after election day. The clerk shall retain the unopened ballot until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

Source. 1979, 436:1. 1983, 176:2. 1995, 48:1, eff. July 2, 1995. 2010, 182:8, eff. June 21, 2010. 2011, 72:4, eff. July 15, 2011.

TITLE LXIII ELECTIONS

CHAPTER 659 ELECTION PROCEDURE

Prohibited Acts

Section 659:38

659:38 Forgery; Removing Ballot. — No person shall forge or falsely make the official endorsement on any official ballot, or furnish to any voter a ballot with the intent that such voter shall use the same in voting instead of the ballot given him by the ballot clerk, or take or remove any ballot outside the guardrail before the close of the polls, or knowingly delay the delivery of any ballots. Whoever knowingly violates this provision shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

Source. 1979, 436:1, eff. July 1, 1979.