

TITLE LXIII ELECTIONS

CHAPTER 654 VOTERS AND CHECKLISTS

Checklists: All State Elections

Section 654:31

654:31 Availability of Checklist and Voter Information. –

I. In this section:

(a) "Checklist information" means the data, in any form, required to be placed on the public checklist by RSA 654:25, when that data is obtained or derived from a checklist or from the statewide centralized voter registration database maintained by the secretary of state.

(b) "Commercial purposes" means knowingly using, selling, giving, or receiving the checklist information for the purpose of selling or offering for sale any property or service unrelated to an election or political campaign.

(c) "Nonpublic checklist" means the checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic.

(d) "Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section.

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish a physical copy or an electronic copy of the most recent public checklist of their town or city to any person requesting such copy. If a person requests an electronic copy, the supervisors of the checklist, or the city or town clerk, shall notify the person requesting the copy of the electronic format options available from which the person requesting may choose. The supervisors of the checklist or city or town clerk may only provide checklist information for their town or city. The supervisors of the checklist or city or town clerk shall charge a fee of \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge a fee of \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist or city or town clerk may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.

III. Any person may view the data that would be available on the public checklist, as corrected by the supervisors of the checklist, on the statewide centralized voter registration database maintained by the secretary of state at the state records and archives center during normal business hours, but the person viewing data at the state records and archives center may not print, duplicate, transmit, or alter the data.

IV. The secretary of state shall, upon request, provide to a political party, as defined in RSA 664:2, IV, or to a political committee, as defined in RSA 664:2, III, a list of the name, domicile address, mailing address, town or city, voter history, and party affiliation, if any, of every registered voter in the state. The secretary of state shall, upon request, provide to a candidate for county, state, or federal office a list of the name, domicile address, mailing address, town or city, voter history, and party affiliation, if any, of every registered voter in the state or in the candidate's district. In this section, "voter history" means whether the person voted and, for primary elections, in which party's primary the person voted, in each state election and municipal election for the preceding 2 years. The secretary of state shall charge a fee of \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the list provided under this section. In addition, the secretary of state shall charge and collect on behalf of and remit to the supervisors of the checklist of each city and town the amount that such supervisors would have charged had the public checklist of their city or town been purchased from them. The secretary of state may provide lists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form.

V. Except for fees collected on behalf of a city or town, fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d. Fees collected by a town or city or by the secretary of state on behalf of a city or town under this section shall be for the use of the town or city.

VI. No person shall use or permit the use of checklist or voter information provided by any supervisors of the checklist or city or town clerk or by the secretary of state for commercial purposes. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person. The secretary of state may insert inauthentic entries into copies of the public checklist provided under this section for purposes of facilitating

enforcement of this paragraph.

VII. This section shall not be construed to restrict the transfer of checklist information to the state or federal courts as required by RSA 654:45 for any lawful purpose.

Source. 1979, 436:1. 1981, 147:1. 1987, 337:1. 2006, 305:1. 2008, 10:1. 2009, 144:219. 2010, 180:1; 366:2. 2013, 209:1, 2, eff. Sept. 8, 2013. 2022, 54:1, eff. July 19, 2022; 201:1, eff. Aug. 16, 2022.