

HB 352-FN - AS INTRODUCED

2025 SESSION

25-0360

09/08

HOUSE BILL ***352-FN***

AN ACT prohibiting possession of a firearm at a polling place.

SPONSORS: Rep. Horrigan, Straf. 10; Rep. Meuse, Rock. 37; Rep. Newell, Ches. 4; Rep. Selig, Straf. 10; Rep. Vail, Hills. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits possessing a firearm at a polling place and includes certain exceptions. This bill further allows individuals who are unwilling or unable to comply with this prohibition to vote by absentee ballot.

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25-0360

09/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT prohibiting possession of a firearm at a polling place.

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

1 New Subdivision; Firearms Prohibited at Polling Places. Amend RSA 159 by inserting after section 27 the following new subdivision:

Firearms Prohibited at Polling Places

159:28 Firearms Prohibited at Polling Places.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, firearm, or other deadly weapon as defined in RSA 625:11, V, whether open or concealed, or whether licensed or unlicensed, within 100 feet of a polling place during a federal, state, or municipal election.

II. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

159:29 Exceptions. The provisions of RSA 159:28 shall not apply to:

I. Law enforcement officers on duty at the polling place.

II. Uniformed law enforcement officers while they are exercising their right to vote.

III. Non-uniformed law enforcement officers who are conceal-carrying their service weapon while they are exercising their right to vote.

IV. A person who secures an unloaded firearm in a motor vehicle while at the polling place.

2 Absentee Voting; Eligibility. Amend RSA 657:1, I to read as follows:

I. Any person who will be 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 of an employment obligation *or because he or she is unwilling or unable to comply with the prohibition of firearms at polling places in RSA 159:28* shall be considered absent for purposes of this chapter. For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.

3 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form.

The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

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

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.

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 confined in a penal institution for a misdemeanor or while awaiting trial.

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 of an employment obligation. For the purposes of this application, the term "employment" shall include the care of children and infirm adults, with or without compensation.

I am unwilling or unable to comply with the prohibition of firearms at polling places in RSA 159:28.

For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.

I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

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.

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

Presidential Primary to be held on _____

(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

State Primary to be held on _____

(MM/DD/YYYY)

General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

Republican Party

Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

(Last) (First) (Middle) (Sr., Jr., 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 home address):

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

Applicant's Phone Number : _____

Applicant's Email Address : _____

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

4 Absentee Ballots and Related Materials. Amend RSA 657:7, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

I do hereby certify under the penalties for voting fraud set forth below that:

I am a voter in the city or town of _____, New Hampshire.

One of the following applies to me:

1) I will be absent on election day. Absence includes:

a) I will be out-of-town on election day.

b) I will be unable to vote in person because I will be working.

c) I will be unable to vote in person because I will be caring for children or infirm adults, with or without compensation.

d) I am voting absentee on the Monday immediately before the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to my town/ward, and I have concerns for traveling in the storm.

2) I am unable to vote in person due to disability.

3) I am unable to vote in person due to observance of a religious commitment, which prevents me from voting in person.

4) I am confined to a penal institution for a misdemeanor or while awaiting trial.

5) I am unwilling or unable to comply with the prohibition of firearms at a polling place.

I have carefully read or had read to me the absentee voting instructions. I personally marked the absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the absentee ballot.

Voter Signature _____

A person assisting a voter with a disability shall sign this statement on this envelope acknowledging the assistance.

I attest that I assisted (print voter name) _____ because the voter is a person with a disability. I marked the ballot and/or this form as instructed by the voter.

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. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

5 Effective Date. This act shall take effect January 1, 2026.

LBA
25-0360
12/4/24

**HB 352-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting possession of a firearm at a polling place.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of**

bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association