

Sen. Birdsell, Dist 19
Sen. Gray, Dist 6
November 20, 2017
2017-2531s
03/04

Amendment to HB 372

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Purpose. New Hampshire's constitution uses the terms "domicile," "residence," "resident,"
4 and "inhabitant" to recognize or establish specific rights and responsibilities. New Hampshire's
5 supreme court has construed the statutory definitions for these terms to create different meanings
6 for the terms residence and domicile. Therefore, under current law, a person who is not a resident
7 of New Hampshire can vote and hold public office in New Hampshire. A nonresident voter or office
8 holder is not subject to the responsibilities imposed on voters and public office holders who are
9 residents of New Hampshire. The statutory definitions for these terms, other than the inclusion of
10 a requirement that a resident has manifested an intent to remain in New Hampshire for the
11 indefinite future, are substantially the same. Laws that permit a nonresident to vote and hold
12 public office are confusing and contradict the basic premise of government of the people, by the
13 people, and for the people. As amended by the general court and construed by the courts, these
14 terms create different classes of voters, those subject to the obligations imposed on residents and
15 those that are not. The use of the terms has evolved away from the plain meaning of these words.
16 The general court has determined that all similarly situated people should be treated equally,
17 sharing equally in rights and responsibilities. Accordingly, the terms residence, domicile, and
18 inhabitant shall have the same meaning for all purposes in statute, unless the law explicitly
19 establishes a different meaning for a specific limited purpose. A person must be a resident of New
20 Hampshire to vote or hold office in New Hampshire.

21 2 Statutory Construction; Resident; Inhabitant. Amend RSA 21:6 and 21:6-a to read as follows:

22 21:6 Resident; Inhabitant. A resident or inhabitant or both of this state and of any city, town or
23 other political subdivision of this state shall be a person who is domiciled [~~or has a place of abode or~~
24 ~~both~~] in this state and in any city, town, or other political subdivision of this state, and who has,
25 through all of his **or her** actions, demonstrated a current intent to designate that [~~place of abode~~]
26 **domicile** as his **or her** principal place of physical presence [~~for the indefinite future~~] to the
27 exclusion of all others.

28 21:6-a Residence. Residence or residency shall mean a person's place of [~~abode or~~] domicile.
29 [~~The~~] **This** place of abode or domicile [~~is~~] **must be** that [~~designated by a person~~] **place the person**
30 **has, through all of his or her actions, demonstrated a current intent to designate** as his **or**
31 **her** principal place of physical presence [~~for the indefinite future~~] to the exclusion of all others.

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- Page 2 -

1 Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there
2 is an intent to return to such residence or residency [~~as the principal place of physical presence~~].

3 3 New Section; Severability. Amend RSA 654 by inserting after section 46 the following new
4 section:

5 654:47 Severability. If any provision within this statutory chapter, or if any penalty
6 associated with any provision within this statutory chapter, is held invalid, in whole or in part,
7 either on its face or as applied to any person or circumstance, the invalidity shall not affect any
8 other provisions or applications of this statutory chapter that can be given effect without the invalid
9 provisions, and to this end, the provisions of this statutory chapter shall be severable.

10 4 Effective Date. This act shall take effect 60 days after its passage.