



# THE STATE OF NEW HAMPSHIRE



## REGISTERING TO VOTE IN NEW HAMPSHIRE

This guidance has been revised several times. It was revised on November 7, 2018, to comply with a court order enjoining enforcement of Senate Bill 3 (2017). Do not rely on published versions of the election laws or sections of the Election Procedure Manual that relate to statutes amended by Senate Bill 3. This guidance was updated effective July 2019 to reflect House Bill 1264, as well as (2018)'s changes to the definition of resident and residence for purpose other than the election laws. *See Casey v. N.H. Secy. of State*, 2020 N.H. LEXIS 96, No. 2019-0693, (May 20, 2020). This guidance was also updated on September 1, 2020 to reference absentee registration and accessible electronic absentee registration for persons qualified to register to vote who are blind or have other print disabilities.

To be eligible to register and vote in New Hampshire a person must be:

- 18 years of age or older on election day;
- A United States citizen; and
- Domiciled<sup>1</sup>[1] in the town or ward where the person seeks to vote.

To register, you will need to provide proof of your identity, age, citizenship, and domicile. Proof can be either by documents or if you do not have documents with you, by affidavit. Documents may be presented in paper or electronic form.

- A driver's license or non-driver ID from any state satisfies proof of identity and age.
- A birth certificate, U.S. Passport/Passcard, or naturalization document satisfies proof of citizenship.

Note: A New Hampshire Real ID compliant driver's license is NOT proof of U.S. Citizenship.

If you do not have these, you can prove your identity, age, and/or citizenship, by signing a Qualified Voter Affidavit, under oath, in front of an election official.

You will also need to prove that you are domiciled in the town or ward where you intend to vote. Proof can be either by documents or if you do not have documents with you, by affidavit. The law requires a document that "manifests an intent to maintain a single continuous

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<sup>1</sup> "The fundamental idea of domicile is home." *Felker v. Henderson*, 78 N.H. 509, 511 (1917). More information regarding what the term "domicile" means is found on page 3 of this document.

presence for domestic, social, and civil purposes relevant to participating in democratic self-government.” RSA 654:1<sup>2</sup>.

There are many types of documents that will satisfy this requirement. A court order has enjoined enforcement of statutes that list examples of satisfactory documents. However, the documents listed in those statutes were recognized by election officials prior to the adoption of Senate Bill 3. The following documents are examples of satisfactory proof of domicile:

- A New Hampshire driver’s license or non-driver ID showing your current domicile address;
- A document from the school that you attend, showing that you live in campus housing. A document issued by the school that has your name and the address where you live satisfies the requirement. Many colleges and universities provide students with satisfactory documents already. Students may also use a smart phone or other electronic device to show the election official a page from the college or university’s official student electronic records website, which lists the student’s dorm assignment or off-campus residence address. Some universities have established an on-line web page resource specifically for this purpose. Consult your school officials if you are unsure how to find and display this information from your school’s system.
- A note signed by a school official, including a Resident Assistant or other person with supervisory responsibility for your dorm, satisfies the requirement under RSA 654:1, I-a.
- A rental agreement, lease, or similar document that shows your name and the address of your domicile. The document must show that you are domiciled at the address on Election Day.
- A document showing that you own the place you are domiciled at, such as a deed, property tax bill, or other similar document that has your name and address.
- A New Hampshire resident motor vehicle registration, driver’s license, or non-driver photo ID showing your domicile address.
- A voter photo ID issued by the NH Division of Motor Vehicles at no cost to you.
  - To obtain a photo ID card that can only be used for voting purposes, ask your town or city clerk or the Secretary of State’s office for a voucher and present it to the Division of Motor Vehicles (DMV).
  - Information on the documents you will need to present to the DMV is available here:  
<https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv634b.pdf>
- A document showing that you enrolled a dependent minor child in a public school that serves the town or ward of your domicile.
- Any state or federal tax form, other government form, or government issued identification that shows your name and your domicile address.

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<sup>2</sup> RSA 654:1 was not amended by Senate Bill 3.

- Any form from the US Post Office showing your name and the physical address where you are domiciled (not a P.O. Box). The confirmation you received by e-mail or US mail when you reported your new address to the Post Office satisfies the requirement.
- A public utility bill, such as such as an electric, telephone, water, gas, or other utility bill, with your name and domicile address on it.
- A note from a homeless shelter or other service provider located in the town or ward where you will vote that confirms they will receive US mail sent to you at that address.
- You may also use any other document that shows manifestation of your intent to make the place you claim your voting domicile.

If you have any questions about what will be sufficient proof of domicile, you may call or visit your town or city clerk's office. Look up your clerk's address and contact information here: <https://app.sos.nh.gov/Public/ClerkDetails.aspx>

If you do not have any document proving your domicile, you can prove domicile by signing a Domicile Affidavit.

If you have documents to establish your qualifications, please bring them when you register. If you do not have documents or forget to bring them:

- YOU WILL BE ABLE TO REGISTER TO VOTE;
- YOU WILL BE ABLE TO VOTE; and
- YOU WILL USE A REGULAR ELECTION DAY BALLOT THAT IS COUNTED ON ELECTION DAY.<sup>3</sup>

If you have any questions about the process of registering to vote, do not hesitate to ask at the town/city clerk's office or the supervisors of the checklist at the polls on Election Day. Your local election officials are there to help you.

### Absentee Voter Registration

You may register to vote by absentee (by mail) if one of the following is true:

- You are concerned about exposure to infection from COVID-19 or exposing others. See attached COVID-19 Related Registration and Voting Instructions;

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<sup>3</sup> Citizens of New Hampshire who moved here from another state may have experienced casting a provisional ballot in their prior state when they failed to bring documentation of their qualifications or Photo ID to the polls. New Hampshire does not use a provisional ballot. Everyone who satisfies the requirements to register votes a ballot counted on election day. New Hampshire does not have a durational residency requirement – you can move into New Hampshire, establish your voting domicile on election day, register and vote. New Hampshire has election day voter registration at the polling place.

- You will be absent from the town or city on the dates/times when the Supervisors of the Checklist meet to receive voter registration applications. The supervisors are required to meet on a date 6 to 13 days before the September 8, 2020 primary and again before the November 3, 2020 general election;
  - o Absence includes an employment obligation that prevents you from attending a session of the supervisors. The term “employment” includes the care of children and infirm adults, with or without compensation.
- You cannot appear in public because of observance of a religious commitment;
- You are unable to vote in person by reason of a physical disability; or
- You are a victim of domestic violence, have an active protective order, or are participating in the Attorney General’s address confidentiality program.

If any of the above circumstances applies to you, please access the 2020 Absentee Voter Registration Requirements And Instructions for a step-by-step guide regarding how to register absentee at the following website:

<https://sos.nh.gov/media/upfniyty/absentee-registration-requirements-and-instructions-2020-08-08-covid-ada.pdf>

#### Accessible Electronic Absentee Voter Registration

If you meet the State's requirements and qualifications to register to vote and are unable to register to vote in person because of a print-based physical disability (e.g., blindness), you may register through an accessible electronic absentee voter registration process. To do this, you should request an Accessible Absentee Voter Registration Affidavit and an Accessible Standard Voter Registration form directly from your city or town clerk. The Application for an Accessible Electronic Absentee Ballot also has a selection on it that permits you to request the forms necessary for absentee electronic voter registration to be sent to you. You may download the Application for an Accessible Electronic Absentee Ballot from the following website: <https://sos.nh.gov/elections/voters/register-to-vote/absentee/accessible-voting/>

#### **More Detailed Information regarding Registering to Vote**

##### **What is “domicile”?**

“The fundamental idea of domicile is home.” *Felker v. Henderson*, 78 N.H. 509, 511 (1917).

“An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating

in democratic self-government. A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.” RSA 654:1, I.

“A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.” RSA 654:1, I-a.

“A voter can have only one domicile for voting purposes.” RSA 654:2, I.

“RSA 654:1, I, like common law domicile, requires physical presence and the intent to make one’s place of physical presence one’s home (that “one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government”).” *Casey v. N.H. Secy. of State*, \_\_\_ N.H. \_\_\_, slip op. at 6 (May 20, 2020).

Under New Hampshire law, the terms “domicile” and “residence” are equivalent. Thus, by establishing your domicile in New Hampshire, you may also trigger certain other state law residency obligations, including the obligation to obtain a New Hampshire driver’s license and/or motor vehicle registration. For more information on this, please visit <https://sos.nh.gov/elections/information/faqs/voter-registration-motor-vehicle-law/>

#### Disclaimer

The complete election laws are available on-line; however, a court order has enjoined enforcement of all provisions of law that were amended by Senate Bill 3 (2017). The on-line election laws currently show the enjoined language. The on-line law should not be relied upon without referring to the court’s injunction and Senate Bill 3 to determine the current law. Therefore, the on-line election laws do not reflect the law presently being applied for voter registration.