THE STATE OF NEW HAMPSHIRE

REGISTERING TO VOTE IN NEW HAMPSHIRE

This guidance 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.

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[1][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 affiavit. The law requires a document that "manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1[2].

[1] "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.
[2] RSA 654:1 was not amended by Senate Bill 3.

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 web site, 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/identification-residency-uscitizen-non-compliant.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.
- 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. http://sos.nh.gov/VoteInforLook.aspx choose "Clerk Information Search."

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[3]

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.

More Detailed Information regarding Registering to Vote

What is "domicile for voting purposes"?

"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,

[3] 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.

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.

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 that will be applied for voter registration starting on November 7, 2018.

Is "domicile" the same as "resident"?

The New Hampshire Supreme Court has held that under current New Hampshire law "domicile" and "resident" have different meanings.

> [A] " resident" is " a person who is domiciled or has a place of abode or both in this state ..., and who has, through all of his actions, demonstrated a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others."
> . . .
> [R]equirements [in law that apply to residents] do not apply to citizens who are not "residents" of New Hampshire although they have their "domicile" here. The basic difference between a "resident" and a person who merely has a New Hampshire "domicile," is that a "resident" has manifested an intent to remain in New Hampshire for the indefinite future, while a person who merely has a New Hampshire "domicile" has not manifested that same intent.

Annemarie Guare & a v. State of New Hampshire, 167 N.H. 658, 662 (N.H. 2015).