

Registering to Vote in New Hampshire

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
- Domiciled¹ in the town or ward where the person seeks to vote.

To register, you will need to provide documents that prove your identity, age, and citizenship.

- A driver's license or non-driver ID from any state satisfies proof of identity and age.
- A birth certificate, U.S. Passport/Passcard, naturalization document or Real ID compliant driver's license or state issued non-driver ID satisfies proof of 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 provide documentation to prove that you are domiciled in the place where you intend to vote. There are many types of documents that will satisfy this requirement:

- A New Hampshire driver's license or non-driver ID showing your current 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.
- 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.
- 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>

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.

- 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 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.
- A note from the person who owns, leases, rents, or manages/supervises the property where you are domiciled, confirming that you live there, which could include a family member or roommate. Any document containing the information is sufficient provided that it includes the statement that “providing false information is a violation of New Hampshire law under penalty of voting fraud.” The “Confirmation of Domicile” form available at this link is satisfactory proof of domicile.
<http://sos.nh.gov/WorkArea/DownloadAsset.aspx?id=8589971182>.
- You may also use any other document that shows some action you have taken to carry out 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. <https://app.sos.nh.gov/Public/ClerkDetails.aspx>

If you are registering to vote more than 30 days before the next election, you must provide this proof before you can register. Or, if you cannot, follow the procedure below for registering within 30 days of an election or on Election Day.

If you register within 30 days of an election or at your polling place on Election Day and you do not bring one of these documents proving domicile, you will need to sign an affidavit before you can vote. You will need to check off one of the following two options on the affidavit:

- (1) You have a document that will prove your domicile but did not bring it with you, and you agree to deliver or mail the document to the town or city clerk within 10 days following the election (or 30 days in some areas – ask election officials). OR
- (2) You are not aware of any documents that will prove your domicile, and understand that town officials will take steps to confirm that you are domiciled where you claim.

Although by law you could be subject to criminal or civil penalties for failing to deliver the documents that prove your domicile, the Superior Court has temporarily ordered that the State cannot enforce these penalties.

Even if you do not have documents proving your domicile on Election Day, or within 30 days of the election, you will be able to register to vote and you will be able to vote on Election Day.

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

More Detailed Information regarding Registering to Vote

What does "aware of no documentary evidence" mean?

When registering, if you are "aware of no documentary evidence of actions carrying out" your intent to establish your voting domicile, you will register without proof of domicile. You are required to initial a section on the form with a statement that you are not aware of possessing proof. "Aware" means, "having knowledge of²." Therefore, initialing this section of the voter form simply means that at that moment in time you do not know if you possess one of the documents described above.

If you later discover that you do have one of these documents or if you receive one in the usual course of daily life, you have no legal obligation to provide it. Election officials who have an obligation to verify that you live at the domicile address you provided would appreciate you voluntarily providing the document or a copy.

If you register without any proof of domicile, local or state officials may send mail to your domicile or take other actions to verify your domicile. If you do not respond to mail or mail is undeliverable at the address you provide, public officials may take additional steps. Officials may visit the address you provide to verify you were domiciled there on Election Day.

If you do not bring proof of your qualifications, but do sign the Voter Registration Form and the additional affidavits on the back of the form:

- You will be registered;
- You may vote on Election Day; and
- Election officials will count the ballot you cast on Election Day.

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, however a

² "Aware." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 13 Sept. 2017.

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.

“Domicile for purposes of voting is a question of fact and intention coupled with a verifiable act or acts carrying out that intent. A voter can have only one domicile for voting purposes.” RSA 654:2, I.

“A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.” RSA 654:2, II (a).

The complete election laws are available on-line at:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIII.htm>

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).

What are temporary purposes?

A person who is present in New Hampshire for “temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire. RSA 654:2, II(a).

A person who is present and residing in New Hampshire for 30 or fewer days “is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent. RSA 654:2, II(b).

Under New Hampshire law, “temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.” RSA 654:2, II(c).