New Hampshire Town and City Clerks
Via: e-mail

Dear Clerks:

As we enter the 2022 State Election season, the Secretary of State’s Office would like to ensure that voters throughout the state receive accurate information on voting in the State Primary and General Elections.

Town and city websites play an important role in informing the public about elections. Please review your website and ensure your content is consistent with current law, particularly with regard to COVID-19 and absentee voting. Linking to documents posted on the Secretary of State’s website is the most effective way to do this.

During the 2020 election cycle many towns and cities posted COVID-related information on absentee voting on their websites. The statutes, executive orders and guidance in place for the 2020 elections specific to COVID-19 and obtaining an absentee ballot have expired. Therefore, you must update all information that relies on those expired provisions.

New Hampshire’s Constitution limits absentee voting to: “qualified voters who [. . .] are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person . . . .” Part 1, Article 11. RSA 657:1 carries out Part 1 Article 11 by authoring absentee voting for:

“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 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.”

“Disability” for election law purposes has the same meaning today as it had pre-pandemic. The nature of the voter’s disability must leave them “unable to vote in person” according to the Constitution and the absentee voting statute.

We recommend the following in place of any reference to COVID:

State House Room 204, 107 N. Main St., Concord, N.H. 03301
Phone: 603-271-3242   Fax: 603-271-6316
TDD Access: Relay NH 1-800-735-2964
www.sos.nh.gov   email: elections@sos.nh.gov
PUBLIC HEALTH CONSIDERATIONS AND ABSENTEE VOTING

A person can register and vote by absentee if, based on their own health circumstances, medical authorities advise them to avoid going out in public. This applies to:

1) voters with symptoms of a communicable disease or illness;
2) voters who, due to their own health circumstances, limit public exposure in their day-to-day life as a preventative measure.

These two types of voters can reasonably conclude that a “physical disability” exists within the meaning of RSA 654:16 and 654:17, absentee registration and RSA 657:1, absentee voting.

We recommend that you link to “Registering to Vote in New Hampshire”
For example, in your section on voter registration, you can post:

A person must meet the following to register and vote in New Hampshire:

• 18 years of age or older on election day;
• A United States citizen; and
• Domiciled in the town or ward where the person seeks to vote.

“Registering to Vote in New Hampshire” provides further details on these requirements.

Use one of these to put a link to Registering to Vote in New Hampshire:
Plain language with hyperlink embedded: Registering to Vote in New Hampshire
URL to page containing the PDF link: https://www.sos.nh.gov/elections/voters/register-vote/registering-vote-new-hampshire

This document and others we publish are updated whenever the legislature or the courts change the law. If you choose to post the document or create your own content, you will need to make updates when the law changes. If you link directly to the document on our website, it should automatically take people to the most current version.

The “Registering to Vote in New Hampshire” document states an applicant can use an affidavit to prove their identity, age, citizenship, or domicile. Please include this information on your website if you provide a list of proof documents needed to register to vote.

The Secretary of State’s Office appreciates your hard work and understanding, especially during the election season. Please reach out to us with any questions or feedback you may have. We’re happy to help.

Sincerely,

David M. Scanlan
Secretary of State