

VOTING AS A COLLEGE STUDENT IN NEW HAMPSHIRE AND VOTER REGISTRATION

I. Introduction

Voting is a fundamental right and a responsibility of citizens in our democracy. Under Part I, Article 11 of the New Hampshire Constitution, every inhabitant of the State of New Hampshire, who is a United States citizen and age 18 or older, is qualified to vote in New Hampshire. Voting is the most important right because it is the right by which citizens protect all other rights.

II. College Student Voting

New Hampshire election law provides college students with a special privilege when determining where they register to vote. A college student in New Hampshire may choose as his/her voting domicile, either the domicile he/she held before entering college or the domicile he/she has established while attending college. New Hampshire law provides the following definition of domicile:

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. A person's claim of domicile for voting purposes shall not be conclusive of the person's residence for any other purpose.

Under no circumstances may college students retain two voting domiciles. Like any other citizen, college students have only one voting domicile and may only cast one vote in any election. A student of any institution 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 the paragraph above..

The following is not legal advice and is meant only to provide you with information that may help you make an informed decision regarding where to vote. If you have questions, you are encouraged to consult with your parents, legal advisor or college officials. Changing your legal address may impact other things such as:

- Health insurance – most health insurance is not affected. If you obtain insurance through a family plan that requires your legal domicile to be your family residence, you may want to check with your family or your insurance agent.

- Car insurance – usually affected only if you obtain insurance through a family plan that requires your legal domicile to be your family residence. Check with your family or your insurance agent.
- Taxes – only individuals with significant assets or tax liabilities might be affected. If you are in this category, you may want to check with your tax advisor.
- Any scholarship or grant that is conditioned on your being and remaining at a legal resident of a particular town/city or state. Financial aid officers report that major student loan and grant programs including Pell, Perkins, Stafford, PLUS, SEOG, and Federal work study are not affected. Check with your financial aid officer.

Many legal interests, such as your in-state versus out-of-state tuition status is not affected by establishing your voting domicile in the municipality where you live while attending college.

If you have questions about the election laws, the complete laws are available at www.state.nh.us/sos/statutes.htm Questions may also be directed to the Secretary of State's Office at 603-271-3242 or to your town/city supervisors of the checklist or clerk. If you believe your rights as a voter are being denied you may file a complaint with the Attorney General's Office by calling toll free 1-866-868-3703 (1-866-voter03).

III. Registering to Vote

While voting is a right, the law imposes on every person who wants to vote a duty to prove that he or she is qualified. Proving that one is qualified to vote occurs during the registration process.

Provided you bring the correct documents with you, registering to vote is a quick and easy process. You may register in person at the town or city clerk's office for the town or city where you have established your voting domicile up to 10 days prior to the election or on election day at your polling place. To help facilitate the process, each applicant should bring documents which can prove identity, domicile, citizenship and age. The law treats a New Hampshire driver's license, non-driver ID, or other government issued photo identification that lists your name and the address you claim as your voting domicile, or vehicle registration form as presumptive evidence of your domicile, and will generally be accepted as proof of age and identify. If you are licensed to drive in New Hampshire or have a vehicle registered in New Hampshire, these are the most helpful documents to bring with you. Other documents which may prove these requirements are: state or federally issued driver's

license, U.S. Passport; Armed Services Identification; identification issued by the Federal government; or photo identification issued by any state government.

Any of the following forms of identification may be used to prove identity, domicile, citizenship and age (this is not an exclusive list):

Identity

Driver's license (New Hampshire or out-of-state); a U.S. or state-issued photo ID; a U. S. passport, or any other proof determined reasonable by the supervisors of the checklist.

The Federal Help America Vote Act (HAVA) requires each person applying to register to vote to provide a driver's license or non-driver ID number (if the voter has a license or non-driver ID from any state) or, only if the voter is not licensed to drive or does not have a state issued non-driver identification, the last four digits of his/her social security number. Federal law requires that the validity of the registration information provided be checked against the information on file with the Department of Motor Vehicles or the Social Security Administration.

Age

Birth certificate (or copy); U. S. passport; driver's license; or non-driver identification.

U.S. Citizenship

Birth certificate (or copy); U.S. passport; or citizenship affidavit.

Domicile

New Hampshire driver's license listing the address the voter claims as his/her voting domicile; motor vehicle registration; or government issued photo ID with current address; any other proof accepted as reasonable by the supervisors of the checklist or a domicile affidavit.

Check with the town or city clerk in the municipality where you plan to register to determine if that town/city has adopted a list of alternative documents that will be accepted as presumptive proof of domicile. Some towns accept forms issued by your college or university. The Clerk's contact information is listed on the Secretary of State's website. <http://www.sos.nh.gov/clerks2010.pdf>

If you do not have these forms of identification which prove identity, domicile, citizenship and age or all of these, you may complete a domicile affidavit, and/or a qualified voter affidavit.

IV. Voting Absentee

New Hampshire law permits a qualified voter, who is a college student attending college outside their home town in New Hampshire, to register and vote by mail.

To register, the student must complete an absentee voter application and a voter registration form obtained from the clerk's office for the town/city where the student's voting domicile is established. A person can register absentee only if he or she does not intend to be in that town when the clerk's office is open, or by reason of a physical disability is unable to attend a meeting of the supervisors of the checklist at any time prior to the election. Otherwise, if the student will be in town and can register in person, the student is required to do so. www.sos.nh.gov/clerks2010.pdf

In most cases, college students who vote by absentee ballot do so because they are absent from their town or city on election day. To vote absentee, the student must complete an application for an absentee ballot. That application is available from the town/city clerk or on the Secretary of State's website. <http://www.sos.nh.gov/AbsenteeBallotApplication2010.pdf>.

- Registered voters in New Hampshire may vote absentee if the voter:
- plans to be absent on the day of the election from the city, town or unincorporated place in which the voter maintains his or her voting domicile;
 - cannot appear in public on election day because of observance of a religious commitment;
 - is unable to vote in person due to a disability; or
 - cannot appear at any time during polling hours at his or her polling place or to be in transit from work from the time the polls open until after the time the polls close.

Students attending college in New Hampshire from other states may also have the right to vote by absentee ballot from their hometown in their home state. If you are considering requesting an absentee ballot from any state, including New Hampshire, you should check with the town or city clerk or another appropriate local election official to determine the timeline for requesting and submitting such ballot