NEW HAMPSHIRE ELECTION PROCEDURE MANUAL

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Memo/Updates Tracking Table

Use this table to track memos and updates issued by the Secretary of State and the Attorney General. The Elections Help Desk staff will maintain a current “Updates Tracking Table” in the Statewide Voter Registration System (“SVRS”) “Help,” “Instructions.” To verify that you have received all the memos and updates issued since the publication of the manual, check the table in the SVRS.

Date Issued	Title	Issued By

NEW HAMPSHIRE
SECRETARY OF STATE

To the Election Officials of New Hampshire: August 2026

Here in the Granite State, our state's democracy thrives under the guardianship of our neighbors and friends. Local election officials are the backbone of local, state, and federal elections, and New Hampshire has a long track record of successful elections because of you. I appreciate your time, patience, and dedication to the people of New Hampshire.

This year, we have worked to streamline the Manual which reduced its overall length. That said, we continue to incorporate your feedback from training sessions and direct conversations. We want to ensure you have all the information you need to feel comfortable in your positions and to carry out your duties effectively.

The Secretary of State's Office is here to answer your questions, listen to your feedback, and guide you in your positions as local election officials. We will continue to hammer home the message we believe in wholeheartedly: local and state election officials are your trusted sources of election information.

Sincerely,

David M. Scanlan
Secretary of State

Preface

This book is the Election Procedure Manual, prepared by the Secretary of State with the advice and approval of the Attorney General pursuant to RSA 652:22. It should be used in conjunction with the Secretary of State's website at https://sos.nh.gov/, training resources provided to Clerks and Supervisors through SVRS, as well as Memos, Webinars, and other training provided to Moderators, Clerks, Supervisors of the Checklist, Boards of Selectmen, and other local School District and Village District election officials.

The Manual begins with a "What is New" section describing changes in election laws since the 2024 Manual was published. After that, the document is arranged in three core parts: Part 1, Elections from Start to Finish; Part 2, Duties of Election Officials by Office; and an Appendix. It finishes with an index.

Part 1, Elections from Start to Finish, describes all aspects of an election chronologically. Newer election officials should read this part first so that they can understand every aspect of the election process. Every role interacts with and affects the others, so an election official should aim to understand (even just at a high level) the duties of the other offices.

Part 2, Duties of Election Officials by Office, is designed for both new and experienced officials. For new officials, once they read Part 1, they can drill down in Part 2 on the precise and comprehensive duties required of them. For experienced officials who may not want to read all of Part 1, they can focus on their section in Part 2 to refresh their understanding of election law requirements for that office.

Part 3, the appendix, contains different types of resources for officials. First, it contains many of the forms, certificates, and affidavits commonly used in elections. Second, it offers a few helpful visual guides for things like a full list of reasons to reject an absentee ballot or how voters can prove their United States citizenship. And third, it contains several charts to assist officials in common areas like alphabet distribution for check-in tables or retention of records. Not all election related documents are in this Manual—there are many that change so frequently that including them here would be futile. For this reason, they can be obtained in SVRS Help Instructions by Clerks or Supervisors.

Finally, there is an extensive index at the back of the Manual to assist readers in quickly locating answers to questions. We know that many officials use the Manual in paper form and often when an urgent need arises. Especially on a busy election day, the index is your best friend.

While this document reflects a concentrated effort by the Secretary of State's Office and the Attorney General's Office to summarize and organize the election laws, it is not binding legal authority. The Election Procedure Manual is a resource and learning tool. The Manual is not a substitute for the relevant statutes or for legal advice. Court decisions and changes to the statutes made between printings of the Manual may change the election laws. Whenever uncertainty exists as to what action to take, we will make our best effort to assist you and you should consult your local legal counsel.

The Attorney General's Office enforces the election laws and serves the Secretary of State as legal counsel. However, if a local election official is sued, the local election official's town or city legal counsel will represent the official. If disagreement exists as to proper procedure, consult with your jurisdiction's local legal counsel before acting.

Acknowledgements

This Manual has grown over the years and, as such, has many contributors. To name just a few:

- The work done in the past by the volunteers from the New Hampshire City and Town Clerks' Association continues to serve as the foundation for this Manual.
- This version of the Manual builds off the tireless work of former General Counsel Orville "Bud" Fitch II, former Deputy Secretary of State Erin Hennessey, and Attorney Jennifer Coté, who substantially revised and improved the Manual in 2024. Although Bud and Erin have since departed the Secretary of State's Office, their sacrifices and dedication live on and they are dearly missed.
- The 2026 revisions are largely the work of Attorneys Jennifer Coté and Douglas Bruno and Deputy Secretary of State (and attorney) Brendan O'Donnell. They have humbly aimed to distill a busy two years of election law changes into one document.

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What is New

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Changes to Filing Nomination Papers and Witnessing Affidavits – RSA 655:15, 28.

House Bill 327 (2025) made two changes to the filing of nomination papers for primaries. First, nominations for state representatives and delegates to the state convention can now be filed with the secretary of state. Second, if a candidate files in person before a town clerk or their deputy, the clerk or deputy may now witness candidates' affidavits of qualifications, whether or not they are notaries.

The Secretary of State will not inform the municipalities directly, as filings for all state offices will be displayed on the Secretary of State's website and updated daily.

Note that assistant clerks cannot witness a candidate's affidavit of qualifications—the law only permits clerks or their deputies to do this.

New Requirement that Clerks Post Election Return Forms – RSA 659:73.

Senate Bill 16 (2025) now requires city and town clerks to post election return forms within seven days of an election. They must be posted in the two places where the municipality regularly posts notices of its governing body meeting. This may include the main website or town/city social media accounts. The legislature did not include a minimum length of time for posting election returns. The Secretary of State recommends the forms be posted for at least 30 days.

Note that these changes apply to both state and local elections.

Public Body Meeting Minutes: Start/End Times and Clerk Name(s) – RSA 91-A:2.

House Bill 265 (2025) imposes new changes to New Hampshire's Right-to-Know Law. For meeting minutes, the person taking minutes must now record the start and end time of the meeting. The

individual(s) who produced the minutes must record their name. If two or more members work on the minutes, each must list their name.

Optional Three-Year Terms for Supervisors – RSA 41:46-a.

House Bill 151 (2025) gives local legislative bodies the option of choosing a three-year term for supervisors. Under such a system, one supervisor would be elected every year over the three-year cycle.

The legislative body for each municipality will vary depending on whether the municipality has adopted a charter establishing one of the optional forms of legislative body, such as representative town meeting, city or town council, mayor and council, or mayor and board of aldermen. For towns that have not adopted a charter and have the select board-town meeting form of government, the town meeting is the legislative body.

Only a town's legislative body may adopt a three-year term for supervisors of the checklist. For a town that has the select board-town meeting form of government, the town's select board cannot adopt the three-year term for supervisors, but the board may propose a warrant article to be voted on at the next annual town meeting.

Optional Three-Year Terms for Moderators – RSA 41:1-a.

House Bill 1113 (2026) gives voters in towns the option of choosing a three-year term for moderators. If the town has adopted an official ballot, the ballot question shall state: "Are you in favor of changing the term of the moderator from (here insert term option) years to (here insert term option) years, beginning with the expiration of the term of the current moderator?" If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots.

If the ballot question passes, then at the next annual meeting when the current moderator's term expires, the town shall elect a moderator for a three-year term.

Preservation and Destruction of Tabulator Memory Cards – RSA 33-A:3-a.

House Bill 270 (2025) made two key changes in relation to electronic ballot counting device programmed external storage devices. First, when a clerk receives the programmed storage devices from the vendor, the law now requires them to lock any freestanding devices— meaning not plugged and appropriately sealed into the ballot counting devices—in a safe. The dictionary defines the word "safe" as "a place or receptacle to keep articles (such as valuables) safe." This could include traditional safes, locked filing cabinets or desks, or fireproof safes. The clerk must also maintain an activity log that lists the "who, what, and when" regarding access to the safe. The activity logs will be available in SVRS. Note that they are public documents just like activity logs for sealed ballot boxes.

Second, the programmed external storage devices must now be retained after all elections, stored with the sealed ballots, and recorded on the sealed ballot boxes chain of custody log. For federal elections, store them for 22 months (or until the contest is settled/appeals have expired). For all other elections, store them for 60 days (or until the contest is settled/appeals have expired). Extra electronic ballot counting device external storage devices programmed for, but not used, during the election are exempt from preservation.

House Bill 1298 (2026) added the requirement that, after the retention period, programmed external storage devices must be disposed of either by physically destroying the device or securely erasing all election-related data (election programming, vote tallies, and digital images).

Electioneering – Clothing Items – RSA 652:16-h.

Senate Bill 43 (2025) made changes to the law regarding electioneering clothing items. The law defines electioneering as "visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political

party, or measure being voted." RSA 652:16-h. Electioneering includes wearing clothing or paraphernalia that displays "a candidate's name, likeness, or logo, a ballot measure's number, title, subject, or logo, a political party's name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure." RSA 652:16-h.

With the passage of Senate Bill 43, the statute now states that individuals who are eligible to vote or register to vote on election day who are unable to reasonably remove or cover such clothing may wear it while actively and expeditiously registering or voting.

The dictionary defines "expeditiously" as "marked by or acting with prompt efficiency." Here, that means the voter should be allowed to register to vote, check in, receive, mark, and cast their ballot, and then leave the polling location. As long as the voter conducts this process promptly—i.e., not lingering unnecessarily—they are acting expeditiously. Note that these voters must leave the building after voting but can remain in the designated electioneering areas outside of the building. They cannot be in the observation area.

The word "reasonable" means "fair, proper, or moderate under the circumstances; sensible." As this definition indicates, reasonability depends upon context. What is reasonable under some circumstances may not be for others. Ultimately, election officials must make a judgment call.

Conducting Political Surveys Is Now Considered Electioneering – RSA 652:16-h.

House Bill 340 (2026) amended RSA 652:16-h to include the following new example of conduct that constitutes electioneering: "organizing or conducting surveys that are expressly or primarily political, meaning that they have a format, questions, or other characteristics that clearly indicate a preference for one or more candidates or political parties in an election or one or more policies that are reasonably anticipated to be on the ballot or otherwise at issue in an election."

E-Poll Books Expanded to Town/School Sessions and Special Meetings – RSA 652:27.

Senate Bill 43 (2025) now permits use of electronic poll books for check-in at town or school business or deliberative sessions as well as special meetings. Any town or city that received electronic poll book conditional use approval from the Secretary of State can now use them for check-in at town or school business or deliberative sessions as well as special meetings.

Officials should continue to mark the alpha voter official checklist in parallel until electronic poll books receive official certification from the Secretary of State. Please refer to the conditional use letter you received from the Secretary of State.

Voters Can Now Request Their Ballots Be Hand-Counted – RSA 656:42.

House Bill 154 (2025) now allows voters to request that their ballot be hand-counted in a town/ward that uses an electronic ballot counting device. If a voter does so, they must be instructed to hand the ballot to the election official manning the electronic ballot counting device, who must place the ballot in the side-pocket for it to be hand-counted after the polls close.

Polling locations that fit this description will need to have two ballot boxes that are properly labeled in the event a voter asked for their ballot to be hand-counted. If the electronic ballot counting device goes down in the middle of the election, have an extra ballot box available for use. Only place hand count ballots into the auxiliary compartment. Place all other ballots into the separate ballot box. Once the electronic ballot counting device is operational, you can then run the ballots cast in the separate ballot box through the device.

New Proof of Qualification Requirements for Absentee Registration – RSA 654:17.

Senate Bill 218 (2025) changed the proof of voter qualification requirements for non-UOCAVA absentee voter registrations. Individuals seeking

to register absentee must now provide proof of the qualifications required for in-person registrations. Thus, absentee registrants shall provide documentation proving citizenship, age, domicile, and identity. Previously, absentee voter registrants were not required to provide proof of citizenship or age. The law also requires that if such registrants do not provide proof of the required qualifications, their applications shall be denied. However, a second bill that passed (HB464) does not require the registrant to provide proof of citizenship or age if they were previously registered in NH or are currently registered in another town/ward. This bill also revises the forms voters must submit with their proof of qualifications.

If the person did not provide proof of citizenship, the election official receiving the application should first confirm in SVRS or other official records whether the person is currently or was previously registered to vote in a New Hampshire town or ward. If the person failed to provide satisfactory proof of citizenship or age and the election official cannot confirm that the person is a currently, or previously, registered voter, or if the person failed to provide satisfactory proof of identity or domicile, then the person's absentee voter registration application must be denied. The election official should record the reason the absentee registration was rejected on the form. The official should promptly notify the person that their absentee registration was rejected and provide the reason the absentee registration was rejected. After sending this notice, the official should save a copy of the notice with the rejected absentee registration documents.

If the clerk receives an absentee ballot application and the voter is not a registered voter and does not submit a photo ID or notarization, then send the absentee not registered to vote package. Do NOT send an absentee ballot.

Changes to Timeline for Absentee Ballot Applications – RSA 657:6.

House Bill 288 (2025) made changes to the timing of the non-UOCAVA absentee ballot application process. Clerks may now only accept such applications postmarked or received within six months of the election for which the absentee ballot is being requested.

If clerks receive a non-UOCAVA absentee ballot application prior to the six-month cutoff, it will need to be rejected if the application was not received or post marked within 6 months of the election for which the absentee ballot was requested. In accordance with RSA 657:16, the clerk shall notify the applicant within 7 days of not accepting the application. In that notice, the clerk should include a new absentee ballot application form and identify the earliest date an application can be posted or received. Best practice is to stamp or mark the application with the date received and a note that it was rejected. Retain the rejected application and notice, as these are not recorded in SVRS.

If the clerk receives a non-UOCAVA absentee ballot application before the six-month cutoff but the voter needs to register, send the voter the absentee voter registration materials and also notify the applicant that the application was rejected because it was not received or postmarked within 6 months of the election for which the absentee ballot was requested. See RSA 657:16.

Optional Outer Envelope for Hand Delivery – RSA 657:7, 16.

Under Senate Bill 218 (2025), an absentee ballot only needs to be placed in the outer envelope if it is mailed to the clerk. An absentee voter who hand delivers their absentee ballot (properly sealed in the affidavit envelope (A)) and supporting documentation does not need to place these documents in the outer envelope. SB 218 also changes the affidavit envelope (form A), adding lines for the voter's printed name and address. Clerks will therefore need to obtain new affidavit envelopes (note that for local elections they must be purchased and do not come from the Secretary of State's Office).

To avoid the situation where the election official

cannot determine who the absentee ballot belongs to, validate the voter's information prior to them leaving your office. If you did not validate their information and cannot tell who the ballot belongs to, check to see if they provided their address. If they did, search SVRS by address and then compare to the absentee ballot list to see if one of the applications is outstanding. If the voter did not provide their address, record the date received on the envelope. On election day, the moderator should determine which applications are still outstanding and try to match the signature of the voter with the affidavit versus the application. If the moderator is unable to determine which voter the affidavit was received from, the ballot should be rejected.

Another option exists if there is only one outstanding voter listed on the absentee ballot report at the end of the day—election officials are permitted to determine by process of elimination that the ballot must belong to the voter.

This process may also interact with absentee registration. If an authorized delivery agent returns a voter's absentee affidavit envelope to the clerk without an outside envelope and the voter was marked as "registering to vote," then open the envelope, remove the forms, close and seal the envelope, and record on the envelope the date, time, clerk's initials, and reason for opening.

New Identity Verification Requirements for Absentee Ballot Applications – RSA 657:17-c.

Senate Bill 287 (2025) adds an identity verification requirement for non-UOCAVA absentee ballot applications. Applicants can provide sufficient verification in one of several ways: (1) providing a copy of the person's photo identification that meets the requirements of RSA 659:13, II(a); (2) personally presenting photo identification to the clerk or their designee that meets the requirements of RSA 659:13, II(a); or (3) having their signature on the absentee ballot application notarized. You cannot issue an absentee ballot unless an applicant provides one of the three identity verification methods.

Note that the photo identification must be included "with the absentee ballot application" or "personally present[ed]." This means that you cannot accept an absentee ballot application without a copy of the photo identification and have the individual email it to you separately. Moreover, the notarization must be of the application itself—it cannot be some other document.

Do NOT send absentee ballots unless the voter meets the requirements above. The law states that "No absentee ballot shall be issued unless one of the verification methods under paragraph I has been satisfied."

Notarized absentee ballot application forms can be accepted via email or fax, and voters can use the remote notarization process. More information on that process can be found on our website. See https://www.sos.nh.gov/electronic-and-remote-notarization

If a voter sends in multiple absentee ballot requests for different elections and includes only one copy of their photo identification, make copies so that each application has a copy of the identification. Notarized applications do not work the same way, because the notary must witness the signature. Applications that are not notarized cannot be accepted.

For nursing homes, remember that nursing home administrators can verify the voter's identity. They can therefore assist nursing home residents by providing an oath or affirmation to the notary who can then notarize the application. The clerk can be the notary who does this, as long as they verify the nursing home administrator's identity and determine the administrator is a credible witness.

Checklists Must Now Be Verified Annually – RSA 654:39.

Senate Bill 221 (2025) shortens the timeline for verification of the checklist. Beginning in 2026, supervisors must now verify the checklist annually. It also lengthens the look-back period. Voters who have voted in any election within the past five years preceding the annual verification will be

deemed reregistered. The Secretary of State will be providing future guidance on the annual verification process and re-registration forms for voters removed from the checklist after annual verification.

If the municipality is actively processing the NCOA list, complete that process unless the annual verification removal takes place prior to the finalization of the NCOA process.

Current or Prior Registration In NH Is Proof of Citizenship – RSA 654:12.

House Bill 464 (2025) made several changes to the proof of citizenship requirements. Applicants who were formerly registered in any New Hampshire town or ward or are currently registered in a different town or ward in New Hampshire do not need to provide proof of citizenship or age. They only need to prove their current or prior registration.

If the election official has access to SVRS, then they can verify the voter's current or prior registration by searching for the voter in "inquiries." A marked checklist can also be used.

Session for Corrections in Local Elections No Longer Must be on a Saturday – RSA 669:5.

HB1325 (2026) eliminates the requirement that Supervisors hold their session for correction on a Saturday 6 to 13 days before the election. They now must hold the session using the same timeline as for state elections, following the process in RSA 654:25—654:31. This means they must hold the session 6 to 13 days before the election.

Elimination of Student ID for Use in Registration or Obtaining a Ballot – RSA 654:12 & 659:13.

HB323 (2026) eliminates the use of student identification cards for voter registration and obtaining a ballot. Students will need to use other approved forms of identification, such as drivers or non-drivers identification cards issued by DMV, federal forms of identification, or United States military identification cards.

Changes to Identity Verification by Election Officials with Personal Knowledge of Individual – RSA 659:13.

House Bill 317 (2026) removes the option of an election official verifying a person's identity when they seek to register to vote (except for nursing home residents). Voters seeking to register must now present one of the proofs of identity listed in RSA 659:13.

An election official can, however, verify a registered voter's identity when they arrive on election day to obtain a ballot. The bill clarifies that a moderator, clerk, supervisor, or selectman may verify the voter's identity if they personally know the voter. That election official must complete an Attestation of Identity For A Registered Voter On Election Day which must also be witnessed by the clerk or moderator. Note that a clerk or moderator cannot personally verify a voter and also witness their own verification. It requires two election officials.

Note that the Secretary of State's Office interprets this bill as including assistant election officials and pro tempore positions.

State Primary Moved to June Beginning in 2028 – RSA 653:8.

House Bill 481 (2026) moved the state primary to the second Tuesday in June every even-numbered year (instead of September). This will not take effect until 2028.

In line with this change, the legislature moved back various filing and meeting requirements:

- Supervisor hearings on alterations to party registrations must now occur on the Tuesday before the first Friday in March. RSA 654:32.
- The deadline to change party affiliation is now the first Friday in March. RSA 654:34, IV.
- The filing period for declarations of candidacy is now from the first Friday in March to the Friday of the following week. RSA 655:14.
- The deadline to file supplementary primary petitions (if the original was rejected) is now the

third Friday in March. RSA 655:26.

- The deadline for candidates to file petitions with the ballot law commission alleging another candidate for the same nomination is not a bona fide candidate is now the Friday after the end of the filing period. RSA 655:31.
- The deadline for (1) accepting a nomination by a party committee where no candidate filed a declaration and (2) submitting the affidavit of qualifications is now the second Friday after the end of the filing period. RSA 655:32, I.
- The deadline for candidates to submit nomination papers to the Supervisors for their certification is now 5:00 p.m. on the Friday five weeks before the primary. RSA 655:41, I.
- The deadline for the Supervisors to certify nomination papers is now 5:00 p.m. on the Friday two weeks before the primary. RSA 655:41, I.
- The deadline for the filing of nomination papers with the Secretary of State is now 5:00 p.m. on the Friday one week before the primary. RSA 655:43, I.
- The time for the ballot law commission to meet to hear and decide objections and appeals related to the primary is now the third Thursday of June. RSA 665:5, I.
- The appointment process for inspectors of election was moved back. The chairmen of the political committees must now notify the appointees and clerks of the appointments between February 1 and April 30. RSA 658:2. If the same is not completed by April 30, then the appointments shall be made by the selectmen. RSA 658:2.

Polling Place Size Limitation in Presidential Elections – RSA 658:11-a.

Senate Bill 103 (2026) requires that, in any general election for the office of the President of the United States, each town or city shall provide no fewer than one polling location for every 15,000 registered voters as reflected on the checklist as of January 1 of the election year.

A town or city seeking to go above this number may submit a plan to the Secretary of State and Attorney General's Offices for their joint approval. More information on what the plan must address is discussed in the Duties of Selectmen Section.

Qualifications for Obtaining Non-Driver ID Changed – RSA 260:21, V.

Senate Bill 660 (2026) changes the qualifications for obtaining a non-driver's identification card. The applicant must now present proof of domicile to obtain the card.

Clarification of Moderator Duties When Disqualified – RSA 659:58.

House Bill 1266 (2026) now allows moderators to access the area designated for counting votes even though they are a candidate. They may be within the guardrail and perform other duties not related to the tabulation of votes.

Changes to Appointment Process for Vacancies in Party Nominations – RSA 655:32, I.

House Bill 1381 (2026) makes changes to the party committee nomination process when no declarations have been filed for a position. The deadline for the person designated by the party committee to file a declaration of candidacy with the Secretary of State's Office is now within 10 business days following the close of the filing period. The bill also moves the deadline for said person to file an affidavit of qualifications to the second Friday after the filing period.

SVRS Integration with Vital Records and DMV – RSA 654:12, 45.

House Bill 464 (2025) directs the Secretary of State's Office to provide access to data from SVRS, records from the Department of Safety Division of Motor Vehicles, and records from the Vital Records Division to assist voters in proving their qualifications.

SVRS now contains this functionality. For New Hampshire birth records (which are relevant to proving age or citizenship), clerks and supervisors can perform a search under "Inquiry – Vital

Records" and selecting birth. For New Hampshire marriage, divorce, dissolution, and civil union records (which are all relevant for name changes), clerks and supervisors can perform a search under "Inquiry – Vital Records" and selecting the appropriate option. For New Hampshire deaths (which are relevant when a family member reports a death of a registered voter), clerks and supervisors can perform a search under "Inquiry – Vital Records" and selecting death.

And for voters who were not born in New Hampshire but have a New Hampshire driver's license, clerks and supervisors can perform a search under "Inquiry – DMV" which will list whether the individual is a citizen.

For more information, see the Voter Registration Section.

Elimination of Domicile Affidavits, Challenged Voter Affidavits for Identity, and Affidavit Ballots – Various Statutes.

House Bill 1569 (2024) made many changes to how voters prove their qualifications. Some of these changes have been struck down by a recent court decision. Each change is addressed below:

- The bill eliminated the use of Qualified Voter Affidavits (QVAs) and Challenged Voter Affidavits (CVAs). On May 28, 2026, the United States District Court for the District of New Hampshire struck the law down as it relates to using QVAs for citizenship and CVAs to overcome a challenge. The Secretary of State and Attorney General have appealed this decision, but it remains in effect until overturned. This means that—as of the publishing of the 2026 EPM—both are acceptable affidavits for the limited purposes identified above.
- Domicile affidavits are no longer acceptable. See the Voter Registration Section for more information on proving domicile, including three new forms: (1) Attestation of Not Possessing Qualified Domicile Proof Documents; (2) Confirmation of Domicile; and (3) Homeless Confirmation of Domicile.
- Affidavit ballots are no longer permitted.

Part I: Elections from Start to Finish

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Voter Registration Overview

Voter registration in New Hampshire ensures that all qualified citizens can exercise their right to vote. In order to register to vote, applicants must be:

1. At least 18 years of age;
   a. If registering to vote prior to an election, the applicant must be at least 18 years of age by the date of the next election.
   b. If registering to vote on the day of the election, the applicant must be at least 18 years of age on that day.
2. A United States citizen;
3. Domiciled in the town, ward, or unincorporated place in which they are registering to vote; and
4. Not otherwise disqualified to vote:
   a. Under Part I, Article 11 of the State Constitution, "[n]o person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States" unless that person's right to vote is later restored by the New Hampshire Supreme Court; or
   b. Under RSA 607-A:2, I(a), a person sentenced for a felony from the time of his or her sentence until his or her release (which includes probation or parole).

The voter registration form is prescribed by statute. RSA 654:7.

An applicant can register to vote several ways:

1. Registering at their town or city clerk's office;
2. Registering at a public session of the supervisors of the checklist, including publicly noticed voter registration drives at which a quorum of the supervisors of the checklist are present;
3. Registering at a voter registration intake drive (a clerk, the clerk's deputy or other staff, and supervisors (with approval of a majority of the board) can participate in a voter registration application intake event that is not a public session of the supervisors);
4. Completing an absentee voter registration, if qualified to do so; or
5. Registering on election day with the supervisors of the checklist. Federal and state law require that registration records on all voters be entered into a single statewide computerized voter registration system ("SVRS"). 52 U.S.C. § 21083; RSA 654:45.

Supervisors of the Checklist

Supervisors of the checklist are the election officials responsible for registering voters; removing voters who permanently move, die, or otherwise become disqualified; and preparing, posting, revising, and certifying the "checklist" of registered voters in their town or ward. Some cities call these officers the "board of registrars" instead, but both state law and this manual use the term "supervisors" to refer to the group collectively. RSA 652:15.

Supervisors are elected by the town or city ward in which they are domiciled. The board of supervisors in each town is composed of a minimum of three members who are legal voters in the town. The equivalent of the board of supervisors of the checklist of a town are called Registrars of Voters in some cities. Registrars are chosen in the manner prescribed by the city charter and have the authority granted by the charter. The default procedure for electing supervisors is to elect one supervisor every even numbered year for a term of six years. RSA 41:46-a. Thus, there will be one supervisor elected every two years. The legislative body of the city or town may, however, adopt a 3-year term for supervisors, electing one each year over a three-year cycle. RSA 41:46-a.

The "checklist" is a document maintained in each town and ward which contains certain information regarding every qualified voter registered in that town or ward. This information includes the voter's full name, domicile address, mailing address, and party affiliation, if any. RSA 654:25. The checklist is produced through SVRS. It is regularly reviewed at public sessions by the supervisors, at which time the supervisors act on pending applications, address and name changes, requests for removal, in-state transfers, property transfers, national changes of address, annual checklist verification, and death notices. RSA 654:27, 654:27-a.

Supervisors are required to hold public sessions **at least** every 90 days. Supervisors are also required to meet: (i) on the Tuesday before the beginning of the candidate filing period for a state election; (ii) on the day before the beginning of the candidate filing period for a local election; (iii) on the Friday before the beginning of the candidate filing period for a New Hampshire presidential primary election; (iv) six to 13 days before a state or local election; (v) during each state and local election; and (vi) when conducting the annual verification of the checklist. These mandatory sessions can fulfill the requirement to meet at least every 90 days. Postings of meetings must be done at least seven days prior to the meeting. RSA 654:27-a. *See* **Duties of Supervisors of the Checklist** for in-depth guidance.

Voter Registration Form

Each person who seeks to register must fill out a voter registration form. The current version of the voter registration form can be found in SVRS Help Instructions. Be sure to use the most recent version from November 2024. Supervisors must ensure they have a sufficient supply of the correct version of these forms for themselves and the town or city clerk.

Determining an Applicant's Qualifications

Once an applicant completes the voter registration form, the clerk or supervisor must determine whether the applicant is legally qualified to vote in that town or ward. The ultimate determination of an applicant's qualifications is a judgment that the supervisors of the checklist must make. An applicant must be placed on the checklist unless a majority of the supervisors agree that it is more likely than not that the applicant is not qualified. RSA 654:11. While the Secretary of State will assist in clarifying what these qualifications are, the supervisors must judge whether an applicant should be registered.

All applicants must meet the following qualifications:

1. Identity.

An applicant must prove their identity to establish that the evidence used to prove age, citizenship, and domicile relates directly to the applicant.

Only one of the following may be used to prove identity:

- A Photo driver's license issued by any state or the federal government;
- A United States passport, passcard, armed services identification, or other photo identification issued by the federal government;
- Photo identification issued by local or state government;
- Residents of a nursing home or similar facility may prove their identity through verification by the facility administrator or the administrator's designee, provided that the administrator/designee also sign the voter registration application; or
- Any other evidence that reasonably establishes that it is more likely than not that the person is who they claim to be.
    - **Note**: Through September 7, 2026, this can include verification of the person's identity by the moderator or another election official. RSA 654:12, I(d)(4). However, effective September 8, 2026, RSA 654:12, I(d)(4) was amended to ***remove*** the option for an election official to verify a person's identity when registering to vote.

Note: a student identification card **cannot** be used to prove identity.

These forms of identification are presumptive evidence of the identity of the applicant.

2. Age.

For those applicants registering prior to an election, the applicant must be at least 18 years of age by the date of the next election. This means that, for example, a 17-year-old who will turn 18 in October and therefore be eligible to vote in a November general election may not register until after the September primary.

For those applicants registering on election day, the applicant must be at least 18 years of age on that date.

Applicants can prove age with any reasonable documentation indicating their age. An applicant's document to prove identity, for example, frequently states their age as well (for example, a passport or a driver's license will display the applicant's birthday) and can be used to prove age. Proof that the applicant is currently or was previously registered to vote also qualifies. This can be done through SVRS or other official documents, such as a current or marked checklist.

3. Citizenship.

The applicant must be a United States citizen. Permanent residents (i.e. green card holders) are **not** United States Citizens and are **not** qualified to vote in elections.

Applicants can prove citizenship in one of the following ways: by providing documentary proof of citizenship, asking a local election official to verify citizenship through state databases, or completing a Qualified Voter Affidavit.

A. Documentary Proof of Citizenship: An applicant may provide one of the following documents listing their current legal name to prove United States citizenship:

- A Birth certificate;
- A United States passport or passport card;
- Naturalization papers;
- One of the four trusted traveler cards issued by the United States Customs & Border Protection, identifying the applicant as a U.S. citizen – Global Entry, NEXUS, SENTRI, and FAST cards;
- Proof that the applicant was previously or is currently registered to vote in a different town or ward in New Hampshire (such as a public or marked checklist from a New Hampshire municipality showing the applicant was or is registered to vote);
- United States Department of State Consular Report of Birth Abroad;
- United States Department of State

Certification of Birth Abroad; or

- Other reasonable documentation which indicates the applicant is a United States citizen.
    - **Note**: a REAL-ID driver's license or non-driver ID is **not** evidence of United States Citizenship. While a United States citizen has to prove citizenship to obtain a REAL ID, non-citizens legally present in the U.S. may also obtain a REAL ID by proving they are Permanent Residents with a green card or other appropriate visa. However, if a United States citizen obtained a REAL-ID from the N.H. Division of Motor Vehicles, that person's citizenship may be verified using the DMV inquiry feature in SVRS.
    - **Note**: A Lawful Permanent Resident, or permanent resident card, often referred to as a 'green' card, is evidence that the applicant is **not** a U.S. citizen. Some green card holders become U.S. citizens through naturalization and will qualify to vote in U.S. elections. However, unless and until they become U.S. citizens, they are not permitted to register to vote or vote.

B. Proving Citizenship with State Database Information

If the applicant does not have documentary proof of citizenship, the applicant may authorize local election officials to conduct one of the following searches to confirm citizenship:

- Searching the Statewide Voter Registration System to confirm the applicant was previously or currently registered to vote in any New Hampshire municipality;
- The Statewide Voter Registration System has New Hampshire Vital Records information regarding New Hampshire births. A search for this information may help prove citizenship for certain voters; or
- The Statewide Voter Registration System has information from the N.H. Division of Motor Vehicles regarding citizenship status for individuals who have obtained an N.H. Driver's License or Non-Driver ID. A search of this information may help prove citizenship for certain voters.

C. Qualified Voter Affidavit – Citizenship

Citizenship may also be proven by completing a qualified voter affidavit attesting, subject to the penalties of voter fraud, that the applicant is a United States citizen but does not possess some or all of the documents necessary to prove citizenship.

a. **Note**: Under prior state law, an applicant could complete a qualified voter affidavit to prove citizenship, age, or domicile. Although that law was repealed effective November 11, 2024, a court order subsequently struck down the repeal of the qualified voter affidavit for citizenship only. Accordingly, a voter can use a qualified voter affidavit to prove citizenship, but they cannot use an affidavit to prove age, identity, or domicile.

4. <u>Domicile.</u>

The concept of domicile comes from New Hampshire's constitution. It provides that "every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election." N.H. CONST. Pt. I, Art. 11. It then explains that "[e]very person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile." Building off this, New Hampshire law defines domicile for voting purposes as "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." RSA 654:1, I.

Determining an individual's domicile is a question of fact. Based on the available evidence, is it more likely than not that the applicant has established a physical presence at the place claimed as domicile? If yes, is it more likely than not that the applicant has manifested an intent or has acted to maintain that one place, more than any other place, a continuous presence for domestic, social, and civil purposes relevant to participating in a democratic self-government? If the answer to both questions is "yes," the applicant has satisfactorily proven their domicile for voting purposes.

Primary Proof of Domicile: If an applicant possesses one of the following qualified documents identifying their name and address they claim as domicile, they must present the document when registering to vote:

- A New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b;
- A New Hampshire resident vehicle registration;
- A picture identification issued by the United States government that contains a current address; or
- A Government issued check, benefit statement, or tax document.

Alternative Proof of Domicile: If the applicant does not possess any of the documents listed above, they can sign an "Attestation of Not Possessing Qualified Proof Documents" and provide other reasonable documentation of having established a physical presence at the address they claim as their domicile, having an intent to make that place their domicile, and having taken a verifiable act to carry out that intent. The proof of domicile document they offer must establish that it is more likely than not that they have a voting domicile at the address they entered on the voter registration form and intend to maintain that domicile at least until election day.

Applicants may use any of the following documents as alternative proof of domicile (submitted along with the Attestation of Not Possessing Qualified Domicile Proof Documents):

- 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 (on or off campus) where you live qualifies. Many colleges and universities provide students with acceptable documents. Students may 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. The web page must list the student's name and dorm assignment or off-campus residence address. Some universities have established a web page resource specifically for this purpose. Consult your school officials if you cannot find and display this information from your school's system.
- A document showing your claimed domicile address that you claim as domicile listing the name of the owner, property manager (for a college dorm this includes a school official or Resident Assistant), or tenant along with a written statement from the person listed as the owner, property manager, or tenant that you reside at that address. The statement must acknowledge that the person signing does so under penalty of voting fraud if false information is provided.
    - A "Confirmation of Domicile" form for this purpose can be obtained from your clerk or the Secretary of State's office: www.sos.nh.gov/elections/register-vote.
    - A written signed statement containing the same information as the "Confirmation of Domicile" form satisfies the law.
- A rental agreement, lease, or similar document that shows your name, the address of your domicile, and that you are renting or leasing at that address for a period of more than 30 days, to include time directly prior to an election day. The document must show the domicile you plan to have on Election Day.
- A document showing that you own the place

you claim as domicile, such as a deed, property tax bill, or other similar document that has your name and domicile address.
- A document containing your name and the address you claim as domicile showing that you enrolled a dependent minor child in an established public or private elementary or secondary school which serves the town or ward of your domicile.
- Any form from the U.S. Post Office showing your name and the physical address where you are domiciled (not a Post Office Box). The confirmation you received by e-mail or U.S. mail when you reported your new address to the post office fulfills the requirement.
- Canceled mail addressed in your name to your domicile address that shows the U.S. Postal Service delivered the mail to you at that address satisfies the proof of domicile requirement.
- A public utility bill, 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 U.S. mail sent to you at that address. An optional voluntary form for this purpose can be obtained online from the Secretary of State's office here: www.sos.nh.gov/elections/register-vote.
- Any other reasonable documentation that establishes that it is more likely than not that you are domiciled at the address you have entered on the voter registration application. You may call or visit your town or city clerk's office if you have any questions about proof of domicile. Look up your clerk's address and contact information here: https://app.sos.nh.gov/viphome.

An applicant's domicile is qualified for voter registration purposes even **if the person living at that address is doing so unlawfully**. An applicant who is living in a campground in violation of a local ordinance prohibiting use of the campground as principal residence/domicile may nonetheless register to vote using that domicile. Similarly, a person who is living in a park which does not allow camping or is on property in violation of a do not trespass order may nonetheless register to vote using that domicile. Such a person, even if convicted of violating an ordinance or law, does not lose the right to vote.

Using SVRS to Verify Citizenship, Age, Domicile, and Name Changes

Effective January 1, 2026, changes in the law authorized the Department of Motor Vehicles and Vital Records Division to provide certain data within SVRS. This information includes motor vehicle driver's license records as well as birth, death, marriage, civil union, civil union dissolution and divorce information.

This means that applicants who do not have proof of citizenship, age, domicile, or name changes, **may** be verified in SVRS depending on the circumstance. It is important to note that this process will not work for all types of applicants. Applicants verified through this process must also fill out an Application for Confidential Verification of a New Hampshire Vital Record or DMV Record **prior** to any record being searched. This form is available in SVRS.

Note: Clerks and supervisors are NOT permitted to conduct these searches unless the voter appears and signs the application. Clerks and supervisors who perform searches without a voter present in front of an election official may be referred to the Attorney General's Office.

To learn more, please visit SVRS Help Instructions and search for "SVRS Changes (HB464) – Guidance" and "Inquiry Instructions – Vital Records and DMV."

Voters with Legal Name Changes

If the applicant has legally changed their name (for example: through marriage, divorce, adoption, or a court-approved name change) and will use any of the above documents to prove one of their voter qualifications, the applicant must present proof their legal name change that shows their prior

name as it appears on their proof document, and their current legal name as it appears on their voter registration application. The applicant's marriage certificate, divorce degree, adoption papers, or the court order approving their name change will usually satisfy this requirement.

The Statewide Voter Registration System contains New Hampshire Vital Records information that may help voters with name changes, such as marriage, divorce, adoption, civil union, and dissolution records.

Free Certified Copy of a Vital Record for Voter Purposes Only for Proof of Citizenship or Name Changes

Applicants who do not have proof of citizenship or name changes may also obtain a free certified copy of a vital record from their town and city clerks' offices. They will be printed on blue safety paper and have a raised seal. The certified copies can only be used when registering to vote and must be surrendered to the election official intaking the voter registration application.

The free certified copies available for voter registration include New Hampshire birth, marriage, divorce, civil union, and civil union dissolution records. Applicants seeking a free certified copy must fill out an Application for a Free Certified Copy of a New Hampshire Vital Record for NH Voter Registration Form. This form can be found in SVRS.

To learn more, please visit SVRS Help Instructions and search for "Application for a Free Certified Copy of a NH Vital Record for Voter Registration Email Guidance."

Unhoused Applicants

The same requirements for domicile apply to all. An unhoused person has a right to register and vote in that town or ward where they, "more than any other place, ha[ve] established a physical presence and manifest[ed] an intent to maintain" their domicile. RSA 654:1.

Keep in mind that a person who establishes domicile and becomes temporarily absent with the intention of returning does not lose their domicile. RSA 654:2, I. Additionally, domicile for the purpose of voting, once existing, continues to exist until another such domicile is gained. RSA 654:2, I. For unhoused persons, this means that a person who establishes domicile in a town or ward and subsequently becomes unhoused or temporarily resides in one or more other locations, that person's domicile does not terminate until they have established a new domicile.

An unhoused applicant's domicile may be the street, parking lot, or park/woodland, for example, where the person lives/sleeps more than any other place. Do not deny a person who is otherwise qualified to vote from registering because they do not have a home. Request the applicant complete the Homeless Confirmation of Domicile attestation form, and identify a mailing address where the applicant can receive mail. **Note**: Unhoused persons may have many different living situations. If you have an applicant whose situation does not appear to be directly covered by the Homeless Confirmation of Domicile, reach out to the Secretary of State's Office or Attorney General Election Law Unit for assistance with the applicant's voter registration. No person who is qualified to vote can be denied that right on the basis of being unhoused.

Absentee Voter Registration

Any person who is legally qualified to vote, but not yet registered, may register to vote by absentee if any one of the following is true:

- The applicant will be absent from the town or city on the dates/times when the Supervisors of the Checklist meet to receive voter registration applications;
  - Absence includes an employment commitment 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;
- The applicant cannot appear in public because

of observance of a religious commitment;
- The applicant is unable to register in person due to a physical disability;
- The applicant is a victim of domestic violence and has an active court issued protective order or is participating in the Attorney General's address confidentiality program; or
- The applicant is confined to a penal institution for a misdemeanor or while awaiting trial but otherwise qualified.

Applicants must request the absentee voter registration affidavit and voter registration form from their town/city clerk. RSA 654:16. If an unregistered voter requests an absentee ballot application, the clerk must send the voter an absentee ballot along with the absentee registration package if the clerk has ballots.

New Hampshire is exempt from the federal National Voter Registration Act (the "Motor Voter" law). If a federal motor voter postcard registration from someone who is absent or disabled, the clerk or the supervisors must send the applicant the materials required for a New Hampshire Absentee Voter Registration. If the applicant is not absent or disabled, they can be notified to come to the clerk's office or a session of the supervisors to register in person.

The New Hampshire legislature passed SB 218 (2025), effective September 30, 2025, which changes the proof required for absentee voter registrations. Individuals seeking to register absentee must now provide the same proof of qualifications (citizenship, age, domicile, and identity) required as if they were registering in person. RSA 657:17-c.

> **Note:** a person previously registered to vote in New Hampshire or currently registered to vote in another town or ward is not required to provide proof of citizenship or age. RSA 654:12, I(a). If an absentee voter registration is received without proof of citizenship or age, check SVRS to determine if the applicant was previously or currently registered in another town or ward before denying the application.

The town or city clerk must send Absentee Voter Registration Forms to anyone who requests them. The applicant must return the completed applications to the clerk, and the clerk shall provide the completed application to the supervisors of the checklist at or before their next session. *See* Duties of Clerk for in-depth guidance.

These new proof of qualification requirements do not affect UOCAVA voters; federal and state law specifies the requirements for accepting FPCA forms. RSA 657:6.

FEDERAL OFFICE ONLY VOTERS (DOMICILED OUTSIDE THE U.S.)

A Federal Office Only ("FOO") voter's ballot has only the offices of United States President, United States Senator, and Representative in Congress listed on it. A FOO Voter is neither a regular absentee voter nor a military voter (uniformed services voter) who is simply overseas. A FOO Voter is a person living outside the United States who no longer maintains a domicile in New Hampshire, but who had their last domicile before leaving the United States in New Hampshire. A child or legal dependent of a person qualified as a FOO voter and who is a United States citizen may also be a FOO voter even if they have never lived in the United States or New Hampshire. A person most recently domiciled in or registered to vote anywhere else in the United States does not qualify to vote in New Hampshire as a FOO voter. The voter must have a valid United States Passport or card of identity issued by the U.S. State Department. RSA 654:3, III.

A voter is a FOO voter if they submit a Federal Post Card Application ("FPCA") form with either of the following checked in the "Who are you?" section:

- "I am a U.S. citizen living outside the county, and my intent to return is uncertain;" or
- "I am a U.S. citizen living outside the country, and I have never lived in the United States."

A voter living outside the United States may download a FPCA form from the Federal Voting Assistance Program: https://www.fvap.gov. Do not send a standard Voter Registration Form or Absentee Ballot Application to a voter reporting they live outside the United States. Clerks should keep a copy of the completed FPCA and provide the original to the supervisors. Once registered, a FOO voter is eligible to vote for federal offices only. The Secretary of State prepares and provides clerks with a FOO absentee ballot for each state election where voters will vote in a federal election.

Absentee Write-In Ballot

An absent uniformed services voter, an absent voter temporarily residing outside the U.S., or a voter domiciled outside the U.S. who, due to requirements of military service or due to living in an isolated area outside the United States, is unlikely to have sufficient time to receive, mark, and return a regular absentee ballot may apply for both a regular and a write-in absentee ballot. RSA 657:10-a.

A voter qualified to vote by absentee write-in ballot may obtain an Official Federal Write-In Absentee Ballot ("FWAB") from the U.S. Department of Defense website at https://www.fvap.gov. These FWABs must be accepted by moderators and clerks as official ballots, so long as there is a voter signature on the affidavit. **Note:** in order for a moderator and clerk to accept an FWAB, there must be an FPCA on file requesting a state absentee ballot. If the voter received assistance with voting and the name and signature of the person assisting is on the form, the signature is not required for a voter with a disability who is unable to sign the form. Count the absentee ballot if other requirements set forth above are satisfied.

Changing Party Affiliation

A registered voter may change their party affiliation any time the supervisors are in session, except between the first day of the filing period for a state or presidential primary and up to the day of the primary election. When a voter moves from one New Hampshire town to another, treat the voter as a new registrant for this purpose – all new registrants may choose any party affiliation, regardless of the voter's party affiliation where the voter was previously registered. The law also authorizes city and town clerks to accept applications to change party affiliation, and the clerk will provide the party change request to the supervisors.

Undeclared Voters

A voter may register to vote as a member of any recognized political party or as undeclared. Undeclared voters are not a member of any political party and are also called unaffiliated voters. RSA 654:34. An unaffiliated voter may declare an affiliation at the primary and may vote on the ballot of their chosen party.

Undeclared voters may declare their affiliation at a primary election and vote on the ballot of their new party. Voters may, after voting and before leaving the polling place, change back to undeclared by completing the Undeclared Voters Election Day Party Affiliation Change Form or signing the Undeclared Voters Re-Registration List which was prepared for the purpose of recording party changes back to undeclared. RSA 654:34, II(b) & V. This form is available in SVRS Help Instructions. The voter may also change back to undeclared after the election at the clerk's office or a session of the supervisors. RSA 654:34.

> **Note**: a polling place that uses the Undeclared Voters Re-Registration List should still have some of the forms available because the list will not include any election-day voters who register as undeclared before taking a party primary ballot.

Voters who register to vote as a member of a party and vote on that party's ballot at a primary election **shall not** fill out a form to change their party status to unaffiliated on primary election day. RSA 654:34, III & V.

Voters with Party Affiliations

A voter who has declared an affiliation with a party

prior to the primary election may only vote in that party's primary. A voter may write in the name of their preferred candidate on their declared affiliation's ballot. If this candidate is on a different party's ballot, the vote will not count as a vote in the other party's total. Rather, the write-in vote will count as a vote for that candidate in the party the voter received a ballot for.

For example, a voter writes in "John Doe" on the Party A ballot for governor. John Doe is a candidate for Party B's nomination. This voter's write-in vote for John Doe will not be counted in the votes for John Doe on the Party B ballot. The vote will instead count as a vote for John Doe on the Party A ballot only. This provides the voter the opportunity to express their support for the candidate.

Voters with party affiliations may change their party affiliation or become undeclared by completing a party change form at the clerk's office or at a session of the supervisors of the checklist after election day.

Confidential Voters

A voter is entitled to be a confidential voter by presenting a valid protective order pursuant to RSA 173-B:4, or evidence the voter is a participant in the address confidentiality program established by RSA 7:46. The voter must make a request to the clerk or supervisors. The supervisors, using SVRS, mark the public checklist with an entry "Confidential Voter" followed by a sequential number, i.e. 1 for the first such voter, 2 for the second, etc. The supervisors must then maintain a separate, confidential checklist of these voters. **Do not** disclose the confidential checklist to anyone other than the clerk and the moderator, except as otherwise provided by law. SVRS has provisions for marking voters confidential. Use SVRS to print the confidential checklist.

Clerks must send any qualified confidential voter an absentee ballot. RSA 7:46 specifically provides that "program participant[s] shall automatically receive absentee ballots for all elections in the jurisdiction for which that individual is domiciled in the same manner as absentee voters pursuant to RSA 657:15."

If a voter or a person in the household of the voter is a victim of certain crimes and does not wish to have his or her name or address appear on the checklist, he or she may apply to participate in a confidentiality program through the Attorney General's Office. RSA 7:46.

If a person appears at the polling place to register and vote in person and identifies himself or herself as either being protected by a court order issued under RSA 173-B:4 or as a participant in the Attorney General's address confidentiality program, under RSA 7:46, the supervisors and the moderator should provide the voter an opportunity to register and vote confidentially. The moderator must arrange for the voter to obtain a ballot without the voter's name being publicly announced and the entry of the voter on the marked checklist used on election day must be as "Confidential Voter #." Fill in "1" unless there are other confidential voters on the checklist, then use the next number in sequence.

It is appropriate to ensure the voter knows that he or she may vote absentee at future elections and to encourage the voter to consult with the Attorney General's Victim Witness Assistance Office regarding how to vote while remaining safe. RSA 654:25; RSA 659:50.

More information on the address confidentiality program may be obtained by contacting the Attorney General's Office of Victim/Witness Assistance at 1-800-300-4500 or (603) 271-1240.

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Candidacy Filings

Procedures to file for candidacy in New Hampshire differ depending on the office sought.

For Presidential Primary Election

All inquiries regarding filing for the presidential primary should be directed to the Secretary of State.

For State Primary Election

The Secretary of State will send a “Notice to Voters of State Primary Election” to all city and town clerks prior to the opening of the state primary election filing period. Within 10 days of receipt of that notice, the town or ward clerk shall fill in the information and post the notices in two public places within their town or ward. This notice serves as the warrant for the state primary election. RSA 655:11, 12.

Declaration of Candidacy: The Secretary of State will provide each town and city clerk with a supply of Declaration of Candidacy forms. A person declaring candidacy will have their name printed on the official primary ballot of the party in which they are registered. The person signing the declaration of candidacy must be a registered voter in the town or ward where they file and must also be registered as a member of the party for which they are filing. **It is the clerk's responsibility to check SVRS and ensure those requirements are satisfied.** At the time the candidate files their declaration, they must also pay the appropriate fee or submit sufficient primary petitions. *See* RSA 655:19-c.

Official with Whom to File (RSA 655:15):

1. For the offices of governor, United States senator, representative in Congress, councilor, state senator and county office, the candidate must file with the Secretary of State.
2. For state representative in a representative district containing one town or ward and for delegate to a state party convention, the candidate may file with the secretary of state or with the clerk of the town or city in which the officer is to be chosen.
3. For state representative in a representative district containing more than one town or ward, the candidate may file with the Secretary of State or with the clerk of the city or town in which the filer is domiciled (if the candidate is domiciled in an unincorporated place, they may also file with the town clerk of the town designated by the Secretary of State for such filing).

Candidates for state representative must complete each portion of the declaration of candidacy form, including the affidavit of qualification and financial disclosure. RSA 655:14, 15, & 17. By filing for state representative, candidates also acknowledge that, if elected, they will serve as a delegate to the county convention (a member of the county legislative body). RSA 655:29.

In order to file for state representative candidacy, the candidate must meet the following statutory and constitutional qualifications: "To hold the office of state representative, a person must be at least 18 years of age and must be qualified as provided in Part 2, Article 14 of the state constitution: for 2 years, at least, next preceding the election shall have been an inhabitant of the town, ward, place, or district he or she may be chosen to represent, and shall cease to represent such town, ward, place, or district immediately on his or her ceasing to be qualified as aforesaid." RSA 655:8.

Financial Interest Statement: RSA Chapter 15-A requires all candidates for state and county offices to file a statement of financial interest. The reporting form requires the candidates to identify professions, businesses, or organizations which were the source of more than $10,000 of income during the preceding calendar year. It also requires identifying broad categories of business and public policy where the candidate or their family member has a special interest. RSA 15-A:5.

Delegate to the Republican State Convention: Delegates to the Republican State Convention are elected at the state primary election. The number of delegates to be elected mirrors the number of state representatives to be elected in the same district. RSA 662:6. Although candidates for delegate must file a Declaration of Candidacy form, candidates are not required to pay any fee or file any petitions. RSA 653:6.

Candidates for Republican State Convention Delegate must be registered members of the Republican Party and must be domiciled in the town or city they are seeking to represent.

The Democratic Party does not elect delegates; those who wish to attend the Democratic State Convention should contact the Democratic State Committee.

Primary Petitions: A candidate seeking the nomination of a party may use a primary petition in lieu of paying a filing fee. Each primary petition may contain the name of only one candidate and

bear the signature of only one voter. In completing a primary petition, a voter's oath is sufficient evidence that they are a member of the party stated.

Voters shall not sign conflicting party petitions, nor shall they sign more than one primary petition for an office with only one available nomination. For example, a voter may sign up to eight primary petitions for a state representative race where eight candidates will be elected for that district. But that voter shall not sign more than one primary petition when only one candidate will be elected to that position. If a voter has signed two or more conflicting primary petitions, all petitions from that voter shall be rejected. RSA 655:21, 23, 24.

An Assent to Candidacy/Declaration of Candidacy form completed by the candidate must accompany any primary petition filed. The candidate must complete every portion of the form, including the affidavit of qualification and the financial disclosure. RSA 655:25; RSA 15-A:3.

It is the duty of the clerk with whom the petitions are filed to examine them. If a petition conflicts with the law, the clerk shall mark on the petition the reason it was rejected and return the petition within 24 hours to the candidate. For each rejected petition, the candidate may file a supplementary petition with the clerk no later than the last day of the filing period for declarations of candidacy. RSA 655:26.

Party Committee Nominations: If no declarations of candidacy or primary petitions are filed on behalf of a candidate for any office, the chairperson of the appropriate party committee or their designee may make a nomination to fill the vacancy by notifying the Secretary of State within 10 business days following the close of the filing period.

Party committee nominations made in this manner are responsible to pay the appropriate fee or submit the requisite number of petitions. An affidavit of qualifications must accompany the name of the nominated candidates within the time limit. RSA 655:29.

Mail Completed Forms: Declarations of candidacy, primary petitions, assents to candidacy, and RSA 15-A statements of financial interest **must be mailed by the town or city clerk to the Secretary of State on the same day they are filed.**

Clerks must also send a daily electronic summary of all filings received on that day. Summaries must include the name and address of every candidate who filed. Reports are only required to be filed on days the clerks' offices are open and receiving filings. A fillable PDF form for making these daily reports is available in SVRS Help Instructions. Complete the form, save a copy locally, and attach the form in an email to elections@sos.nh.gov. RSA 655:18, 27.

All candidates filing on the last day of the filing period must do so in person. Clerk offices must be open from, at least, 3:00 p.m. to 5:00 p.m. on the last day of the filing period. Candidates for all other offices must file with the Secretary of State. RSA 652:20; RSA 655:15-16.

FOR GENERAL ELECTION

Candidates who choose not to run as a Democrat or Republican may have their name placed on the state general election ballot by filing a declaration of intent along with an administrative assessment fee (set by RSA 655:19-c) with the Secretary of State during the regular primary filing period. The candidate is required to later file the requisite number of nomination papers. RSA 655:14-a, 17-a, 19-c, 40, & 45. Filings made on the final day of the primary filing period must be done so in person before the Secretary of State. RSA 655:43, II.

Only registered voters may sign nomination papers. Each voter may only sign one nomination paper for each office, and each nomination paper shall not contain the names of more candidates than there are offices to be filled. Voters shall sign and date an individual nomination paper; note that nomination papers shall be dated in the year of the election.

Submit Nomination Papers to Supervisors for Certification: Completed nomination papers shall be submitted to the Supervisors of the Checklist no later than 5:00 p.m. on the Wednesday five weeks prior to the State Primary Election (beginning in 2028, this will be the Friday five weeks prior to the State Primary Election).

Nomination papers include a section completed by the supervisors. The supervisors sign the nomination paper in the provided space after confirming that the individual who signed the nomination paper is a voter in their community. A majority of the supervisors must certify and sign the nomination papers. In a city, the city clerk may certify the nomination papers (and be the sole signer) instead of the registrars.

Certified nomination papers must be available for the candidate no later than 5:00 p.m. on the Wednesday (or, in 2028, the Friday) two weeks prior to the primary, and the candidate must submit the nomination papers to the Secretary of State no later than 5:00 p.m. on the Wednesday (or, in 2028, the Friday) one week prior to the primary. Nomination papers shall be grouped by municipality when submitted, or the Secretary of State may reject them. RSA 655:41-43.

Party Ticket Vacancies: If a vacancy in any party ticket occurs after a primary, the appropriate party committee may appoint someone to fill the vacancy, provided they do so within three days of the notice of disqualification or death and further provided that the name of the substitute candidate is received by the Secretary of State no later than the Tuesday prior to the election. RSA 655:38; RSA 655:39.

Incompatible Offices

State & County Incompatible Offices: Candidates filing for the state primary may not file for more than one of the following offices: governor, U.S. senator, U.S. representative, executive councilor, state senator, state representative, county commissioner, county sheriff, county attorney, county treasurer, register of deeds, and register or probate. No person shall seek or hold positions as a member of the general court and county commissioner at the same time. RSA 655:10.

Local Incompatible Offices: RSA 669:7 sets forth several statutorily incompatible local offices. No person may hold two incompatible local offices at the same time. RSA 669:7, I. No person may file a declaration of candidacy for two or more elected offices that are incompatible. RSA 669:7, II.

Candidate Disqualification or Death Before Primary

If any candidate dies or becomes disqualified between the close of the filing period and the date of the primary, the Secretary of State may remove their name from the ballot, and the appropriate party committee may substitute a new candidate. RSA 655:33-34.

Candidate disqualification is limited by statute; a candidate may only disqualify themselves by making an oath that they do not qualify for the public office which they seek because age, domicile, or incapacitating physical or mental disability acquired subsequent to the nomination or filing. RSA 655:33, 38.

Domicile Concerns: Elected or appointed officials whose qualifications for that position require specific domicile are considered to have resigned if they move their domicile in a way which no longer qualifies them to be a voter in the area they represented or served. Any vacancy created shall be filled as prescribed by law. RSA 654:1, II.

Administrative Preparations

Clerk Contact and Polling Place Information

Each town and city clerk shall establish and maintain an up-to-date official e-mail address, street address, up-to-date polling place location(s), and polling hours for each election, all of which shall be entered into SVRS and publicly available to voters. RSA 657:19-c.

Oaths of Office

Inspectors of elections (ballot clerks), appointed assistant election officials, moderators pro tem, supervisors pro tem, clerks pro tem, and selectmen pro tem, *including anyone recruited to count ballots*, all must take an oath of office before engaging in the duties of their position.

Blank Oath of Office forms are available in SVRS Help Instructions. The wording of the Oath of Office is set by the New Hampshire Constitution, Part 2, Article 84. Officials administering an oath must file the completed Oath of Office forms with the clerk. RSA 42:1, 7-8; RSA 658:4. The clerk shall retain the completed Oath of Office form for the term of the office plus 3 years. RSA 33-A:3-a, XCI.

Printing of Election Materials

The Secretary of State prepares ballots, forms, and absentee voter materials for all state elections and state referenda, including constitutional amendments. RSA 656:1.

Regular and Sample Ballots: Ballots for state elections are delivered to town and city clerks prior to the election.

State and Presidential Primary Sample Ballots: The package of primary election ballots will include 10 sample ballots for each political party. Clerks shall post two sets of sample ballots in public places in the town or ward within one day after they receive them. The remainder of the sample ballots are posted on election day outside the guardrail in the polling place. RSA 656:28.

General Sample Ballots: 10 sample ballots are printed and sent to the town or ward clerk. Post a sample ballot in two public places within the community within one day after receiving them. The remainder of the sample ballots are to be posted outside the guardrail in the polling area on election day. RSA 656:18.

At least one sample ballot from each party in a primary, and one sample ballot in a general election shall be posted by the clerk no higher than 48" to ensure the posted sample ballots are accessible for all. RSA 658:26.

Absentee Ballots: Absentee ballots and Federal Office Only ("FOO") absentee ballots are also prepared by the Secretary of State. As soon as they are available, they are delivered to the clerks along with envelopes, instructions, and application forms. RSA 656:33-38.

Registration Forms & Election Day Affidavits: The supervisors of the checklist shall ensure that a sufficient quantity of voter registration forms are available at the polling place for election day registration of all qualified persons at all elections.

Polling Location Materials

Notice of Voter Photo Identification Requirements: Every town and city clerk, and the governing body of each town or ward, shall prominently display a notice prepared by the Secretary of State explaining the photo identification requirements for voters. The notice directs voters to the Department of State's website for additional information. Display the notice for at least 14 days prior to each election. RSA 652:25; RSA 658:29-a. This notice is also placed outside the guardrail at each polling place at all elections.

Mandatory Voter Instruction Signs: Moderators must ensure that all mandatory voter instruction signs – also known as Purity of Election Posters – are posted in each polling place. Each sign is labeled with its version on the bottom edge. Some mandatory voter instruction signs are tailored to specific election conditions. For example, some signs are exclusive to a hand-count town for a primary election. The following chart indicates the name of each sign and the approved version.

Poster #	Name	Approved Version
1	Instructions to Voters Primary Election – Hand Count	1-2024 HC Primary
1	Instructions to Voters Primary Election –	1-2026 MC Primary

	Machine Count	
1	Instructions to Voters General Election – Hand Count	1-2024 HC General
1	Instructions to Voters General Election – Machine Count	1-2026 MC General
2	Distinguishing Marks Prohibited	2-2024
3	Election Day Registration NH Voter ID Law	3-Sept. 2026
4	Prohibited Election Activities and the Penalties	4-Sept. 2026
5	Voter ID Explanatory Document	5-Sept. 2026
6	How are Votes Challenged?	6-Sept. 2026
7	Voting Assistance	7-2024
8	Are Your Voting Rights Being Violated?	8-2026
9	NH Voter ID Law	9-Sept. 2026
10	Why is there a QR code on my ballot? (VotingWorks device polling places only)	10-2024

CERTIFICATION OF THE CHECKLIST

The checklist(s) used at the election must be certified at two different moments in time by two different sets of officials. Before the election, the supervisors must certify that the corrected checklist, according to their best knowledge, contains (*fill in number*) of names of those persons "who are by actual domicile legal voters" in the town or ward. RSA 654:29. Two certified copies must be provided to the clerk. Election officials in hand count towns must use both certified copies as the checklist for the election; election officials in machine count towns must use one certified copy as the checklist for the election.

After the polls close to voting, the moderator and the clerk must certify the checklist marked by the ballot clerks, under the supervision of the moderator, throughout election day and on which the names of those who registered on election day have been entered. The moderator and clerk certify that it is the checklist used by them on election day and that it contains a correct and complete list of the legal voters in their town or ward, including those who registered on election day. RSA 659:56.

POSTING OF WARRANT FOR GENERAL ELECTIONS

The town and ward selectmen are responsible for warning the time and date for general elections. The warrant must state the hour when the polls will open to voting and the hour before which the polls may not close. The warrant must also list the offices to be elected, questions to be voted on by ballot, and the polling place location. RSA 658:1; 669:2. **Note**: in cities, although ward selectmen are responsible for posting polling hours, the city council or board of aldermen sets the polling hours.

The warrant must be posted at least 14 days prior to any election at all polling places and at the office of the town or city clerk or at the town hall. *See* deadline dates in the New Hampshire Political Calendar published by the Secretary of State, and currently available online: https://www.sos.nh.gov/elections/2026-2027-political-calendar.

Polling Place Preparation

For all presidential primary, state primary, and general elections, the Secretary of State's Office prepares ballots and delivers them to town and city clerks prior to each election.

Inspect Ballots Upon Receipt: The town or city clerk must open all boxes of ballots received from the Secretary of State for a state election in the presence of at least one other voter as soon as possible after those boxes are received. The clerk must verify that all ballots are the proper ones for that town or city, remove the number of ballots needed to test the electronic ballot counting device (if applicable) and the Accessible Voting System, and then reseal the boxes using the sealing label provided in the box. RSA 656:20, 22, & 29.

Ballot Inventory: Election officials must conduct a ballot inventory at or prior to the opening of the polls in each polling place. Conducting a ballot inventory *prior* to polls opening helps prevent delays or other issues on election day morning. If the ballots are counted prior to the opening of the polls, the clerk shall post in two appropriate places a notice detailing the time and place where the ballots will be publicly counted.

At or prior to the opening of the polls in each polling location, the ballot box seal shall be publicly broken by the town or ward clerk. The ballots shall be given to the ballot clerks, who examine and count the ballots in the presence of the clerk, the moderator, and at least one other legal voter. Note that candidates on the ballot – except those candidates who serve as a moderator, assistant moderator, clerk, selectperson, inspector of election, or supervisor of the checklist – shall not count ballots. RSA 658:31.

Pre-Election Certificate: The Secretary of State prepares and distributes three copies of the Pre-Election Certificate required by RSA 658:32 to each clerk for all state elections. After completing ballot inventory, the moderator and clerk shall certify in Part I of the Pre-Election Certificate the total number of official ballots received. One copy is retained by the moderator for their records; one copy is retained by the clerk for their records; and one copy is forwarded to the Secretary of State with the election returns. RSA 658:32; *see* RSA 659:75.

BALLOT COUNTING DEVICES

The mayor and aldermen of a city or the selectmen of a town may elect to use electronic ballot counting devices in their communities. RSA 656:40.

Adoption: RSA 656:40 authorizes the governing body of a town or city to approve one of the electronic ballot counting devices certified by the Ballot Law Commission. This decision must be made in a properly noticed public meeting; for example, this can be a regularly scheduled and noticed meeting of the Board of Selectmen where this item is on the agenda and the discussion and vote is properly documented in the minutes. The vote needs to be specific as to the device that will be used.

The municipality must send formal notice to the Secretary of State reporting what device will be used in the future. This can be a letter signed by the Selectboard. Alternatively, this can be a letter from the Administrator or Clerk that attaches the approved minutes of the meeting where the vote was taken.

Device Testing: The clerk is responsible for testing all electronic ballot counting devices and programmed external storage devices in the municipality's possession. RSA 656:42, VIII(e)(10). Testing must be conducted during a publicly noticed meeting **no later than the Wednesday before an election**. Specific testing standards and guidance is available in SVRS Help Instructions.

Clerks must ensure that the pre-election testing is documented by preserving the test ballots, the count of votes on the test ballots made by the town or city clerk, and the results from the electronic ballot counting device that was testing. Documentation of the pre-election testing must be readily available on election day. Note that the pre-election certificate requires the moderator and the clerk to and certify on election day that there is evidence of successful pre-election testing on each electronic ballot counting device and each memory device in the town or city clerk's possession.

Clerks and moderators are additionally required to certify, by signature on the pre-election certification on election day, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken were appropriately resealed and documented in the activity log.

Activity Logs: Each ballot counting device must be sealed in the manner required by the Secretary of

State. Activity logs are available in SVRS Help Instructions. Seals ensure that a ballot counting device cannot be tampered with or improperly accessed. An activity log for each ballot counting device is available on SVRS. The activity log documents each removal and installation of seals on a ballot counting device, and specifically requires the date, which seal was installed or removed, the number imprinted on that seal, the reason for the removal or installation, a signature by the remover or installer, and signatures from **two witnesses**.

The activity log provides a history of each time an individual accessed the device; missing entries – for example, a seal placed on a device with no matching entry – may be due to a forgotten log entry, but it can also be a possible indicator of improper or unauthorized access to the device. Election officials should contact the Secretary of State's Office for guidance regarding all missing log entries.

Accessible Voting System

New Hampshire law requires each polling place be equipped with at least one accessible voting system ("AVS") for every election. RSA 659:20-b. The Secretary of State chose the OmniBallot Tablet to replace the "One4All" device and provide accessible voting for individuals with disabilities. The OmniBallot Tablet prints a voter's choices directly on to an official ballot, and that ballot is cast in the same manner as all other ballots in that polling place.

The OmniBallot Tablet utilizes several types of accessible options, including magnification, compatibility with assistive technology, headphones, and tactile buttons, to ensure voters with disabilities can mark their ballots independently and privately. Although the OmniBallot Tablet has features which specifically aim to provide greater accessibility to voters with disabilities, **the OmniBallot Tablet is available for use by all voters in all elections**. Election officials should not request a voter disclose their disability, and voters are not required to disclose their disability in order to use the OmniBallot Tablet. Any voter may use the OmniBallot, regardless of disability status, upon request.

Information related to the security and storage guidelines, setting up the AVS, and programming guidance is available in SVRS Help Instructions. The OmniBallot Tablet must also be tested prior to each election.

Adopting Additional Polling Places

Any town may vote at the town meeting to provide additional polling places and to establish the districts to be served by them. The selectmen of the town are responsible for equipping the additional polling place in the same manner as the central polling place. The moderator must appoint an assistant moderator, and the clerk must appoint an assistant clerk for each additional polling place. Current law requires assistant moderators and clerks appointed in towns to be domiciled in that town, but not necessarily the voting district, of the additional polling place. RSA 658:10, 14, 15, 16.

The city council in any city may establish additional voting districts within the wards of the city. The city council is responsible for designating the districts within the wards and selecting the various election officials to run the polling place unless the city charter provides otherwise. In the same manner as towns, the moderator must appoint an assistant moderator, and the clerk must appoint an assistant clerk for each additional polling place; each assistant moderator and assistant clerk shall have their domicile in the city ward where they will serve. RSA 658:10, 11, 14, & 18.

Two additional inspectors of election for each additional polling place are to be designated by each political party. The inspectors must be domiciled in the town and qualified in the same manner as the officers of the central polling place. RSA 658:14-15.

Supervisors must prepare a list of the voters entitled to vote in the polling place using SVRS. No

later than 14 days prior to the election, they must post a copy at the town or city clerk's office or at the town hall. They must also give the town clerk two copies of that checklist for use on election day, certified by the supervisors. RSA 658:12. After supervisors hold their final session, if any names have been added to the checklist for the additional polling place, provide the clerk with two certified copies of the updated checklist.

All officers of the additional polling place shall have the same duties as officers at the central polling place. RSA 658:14.

Continuity of Operations Plan

Best practice is for election officials to work together and establish a written continuity of operations plan ("COOP") which anticipates common emergencies and effective local responses. A model COOP is available in the appendix.

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Absentee Eligibility

A voter is eligible to vote by absentee ballot in the following circumstances:

a. The voter plans to be absent from the city, town, or place in which they are qualified to vote on the day of an election for which an official ballot is used;
b. The voter has a physical disability and is unable to vote in person;
c. The voter is a member (or spouse or dependent of a member) of the uniformed services pursuant to RSA 654:3 and RSA 652:16-c and will be absent on election day;
d. The voter is entitled to vote as a Federal Office Only Absentee Voter pursuant to RSA 654:3;
e. The voter cannot vote in person because of a religious commitment observance;
f. The voter is unable to appear at any time during polling hours at their polling place because of an employment obligation which requires the voter remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close. For purposes of absentee voting, the term "employment" shall include the care of children and infirm adults, with or without compensation;
g. The voter is a member of the Attorney General's Address Confidentiality Program or the voter is protected by a Domestic Violence Protective Order;
h. The voter is a person confined to a penal institution awaiting trial or incarcerated for a misdemeanor conviction. A person incarcerated for a felony conviction is not eligible to register or vote while incarcerated; or
i. The voter otherwise would have voted in person but the National Weather Service has issued a winter storm, blizzard, or ice storm warning for the voter's town/ward for election day, and the voter has concerns about safely traveling in the storm. The voter is able to vote

by absentee ballot on the day immediately prior to the election.

The authorization to vote absentee when the National Weather Service has issued a severe weather warning applies where the voter would have voted in person but has concerns for their safety if they travel in the storm, or where the voter anticipates that school, child care, or adult care will be cancelled and the voter would be deterred from voting by the need to care for children or infirm adults. RSA 657:1.

The clerk's office is required to be open to receive applications for absentee ballots, to allow voters to complete the absentee ballots, and to receive return ballots from at least 3:00 p.m. to 5:00 p.m. on the Monday immediately prior to an election. RSA 652:20; 654:7, 12; 657:1.

Public Health Considerations and Absentee Voting

A voter would qualify to vote by absentee ballot and register by absentee registration if the voter, based on their personal judgment and individual medical circumstances of the voter, is advised by medical authorities to avoid going out in public. This applies to a voter experiencing symptoms of any communicable disease or illness. It would also apply to a voter limited public exposure as a preventative measure due to medical circumstances where voting or registering by absentee registration would be consistent with that voter's general, preventative measures behaviors. These voters have a reasonable basis to conclude that a "physical disability" exists within the meaning of RSA 654:16-17.

Applying for an Absentee Ballot

Voters eligible to vote absentee must apply to the clerk in the town or city in which they are domiciled using a form provided by the Secretary of State on its website (https://www.sos.nh.gov/elections/absentee-ballots). The application requires the voter provide their phone number and email address. However, some voters may not possess or may opt not to provide this information, treat the application as valid if this information is missing. The phone number and email address provided are confidential and exempt from disclosure under the Right-to-Know law. RSA 654:31-a.

The law now requires an identity verification for non-UOCAVA absentee ballot applications. RSA 657:17-c. Absentee ballots **cannot** be issued unless an applicant provides sufficient verification with one of the three following identity verification methods:

1. Provide a copy of the voter's photo identification that meets the requirements of RSA 659:13, II(a);
2. Personally present a photo identification to the clerk or their designee which meets the requirements of RSA 659:13, II(a); or
3. Notarize the voter's signature on their absentee ballot application.

Non-UOCAVA absentee ballots **cannot** be mailed or issued unless the clerk has received an application along with photo identification or a notarized signature as detailed above. If a clerk receives an informal request – for example: an emailed request for an absentee ballot without an application – the clerk should send the voter an absentee ballot application or direct them to the form available on the Secretary of State's website. The absentee ballot application and one of the three sufficient verification methods can be sent by e-mail, mail, fax, or delivered in person to town and city clerks.

All non-UOCAVA voters must submit a separate absentee ballot application for the primary election and the general election.

Non-UOCAVA absentee ballot applications must be postmarked or received within six months of the election for which the absentee ballot is requested. RSA 657:6. Applications received more than six months before the election for which the absentee ballot was requested must be rejected, and the clerk shall notify the applicant within seven days

that the application was rejected. RSA 657:16. In that notice, clerks should include a new absentee ballot application form and identify the earliest date an application can be received.

Voters with Print Disabilities

New Hampshire provides an opportunity for individuals with print disabilities to electronically receive and mark their absentee ballot for any state election. An accessible electronic absentee ballot application is available to download on the Secretary of State's website: https://www.sos.nh.gov/elections/voting-disabilities.

Voters with print disabilities must send the form to their town or city clerk and call the Secretary of State's Election Division (603-271-8241) to inform them that an application to use the electronic system was submitted.

UOCAVA Voters

The absentee ballot process differs for UOCAVA voters. UOCAVA – the Uniformed and Overseas Citizens Absentee Voting Act – is a federal law which prescribes forms and processes for voter registration, requests for absentee ballots, and absentee ballot delivery deadlines. UOCAVA voters include all active-service military branches, their dependents, and overseas U.S. citizen voters.

UOCAVA voters can request an absentee ballot using a Federal Post Card Application ("FPCA") form from their local town or city clerk, or by downloading an application on www.fvap.gov. The federal official post card forms for UOCAVA voters shall be received no earlier than January of the calendar year in which the election occurs. FPCA requests received on or after January 1 of each year are valid through December 31 of the same year for all state and municipal elections to be held within that year, subject to the UOCAVA voter's request and eligibility. However, an absentee ballot for a presidential primary shall be sent to any UOCAVA voters who submitted an application for the presidential primary or any election prior to the primary during the general election year and the prior year. RSA 657:19-a.

Receipt of Absentee Ballot Application by Clerk

Absentee ballot applications may be received in person or by mail, e-mail, or fax. Upon receipt, the clerk shall determine if the applicant's name is on the checklist, the application is signed by the applicant, the applicant marked their qualifying circumstance which permits absentee voting in the appropriate place, and one of the three identity verification methods is satisfied.

If the absentee applicant is not registered or pending registration approval in that town, the clerk shall mark the absentee ballot application "Not Registered" and send the applicant: (a) an absentee registration form; (b) absentee ballot, if available; (c) affidavit envelope, marked with words "Not Registered;" (d) return envelope, marked with the words "Not Registered;" (e) notice of requirements for absentee voting; and (f) written notice of what documents and forms the applicant must return in order for their absentee ballot to be counted.

On receipt of a request for an accessible electronic absentee ballot, the clerk will scan the application and send it to NHVotes@sos.nh.gov and call the Elections Division Help Desk (603-271-8241) to verify that it has been received. The Secretary of State will copy the clerk on the email message to the voter. The clerk will mail out the absentee ballot envelopes and instructions to the voter. When the clerk receives the mailing envelope expected to contain a voter's marked absentee ballot and absentee affidavit, it must be entered in SVRS in the same manner as all absentee ballots.

List of Absentee Voters Maintained by Clerk

The clerk shall maintain a list by date, arranged by voting place, of all absentee applicants (regular and UOCAVA) who (a) have requested an absentee ballot, (b) have been sent an absentee

ballot, and (c) who have returned envelopes suspected to contain absentee ballots. This information – (a), (b), and (c) – shall be entered without delay into SVRS. That data entry is essential to allow a voter to track the progress of their absentee ballot on the Secretary of State's "Voter Information Lookup" website, available here: https://app.sos.nh.gov/viphome. RSA 657:15, 26.

Candidate Absentee Ballot List

Clerks are required to provide the list of persons requesting absentee ballots to a candidate whose name appears on the ballot for the ward/district they are a candidate for. The information provided must be limited to the voter's name, address where registered, voter ID number, voter's party, the type of election the absentee ballot was requested for, the date the absentee ballot was requested, the date the absentee ballot was sent or handed to the voter, and the date the absentee ballot envelope was returned. The law requires that if a candidate, whose name appears on the ballot, requests the list in electronic format, it must be provided free of charge. RSA 657:15, II.

The list of persons requesting absentee ballots is not a public document and clerks may only provide it to a candidate whose name appears on the ballot or their designee for the ward district they are a candidate for. If a designee presents the request, the designee must have a notarized request signed by the candidate (or a copy of said notarized request). Once the election is held, that person is no longer a candidate, and they (and their designee) are no longer eligible to obtain a copy. RSA 657:15.

Candidates whose names appear on the ballot for statewide office may obtain a list of absentee voter applicants from the Secretary of State. Political parties may also obtain a statewide list of absentee voter applicants from the Secretary of State. Statewide absentee voter lists are limited to the voter's name and address where registered, voter ID number, voter's party, the type of election the absentee ballots were requested for, the date the absentee ballot was requested, the date the absentee ballot was sent or handed to the voter, and the date the absentee ballot envelope was returned. The statewide list must be provided at least once per week and at least twice each week for the four weeks prior to the election. RSA 657:15, III-a, IV.

The list of absentee voter applicants shall not be available for public inspection at any time without a court order. The list excludes confidential voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B:4 or who are participants in the Attorney General's Address Confidentiality program. RSA 7:43; RSA 657:15.

People interested in information on who voted absentee are, after the election, entitled to see and/or copy the checklist used on election day, where absentee voters are marked with a red ink "A.V.", the voter is checked off, and a single thin line is drawn through the last name to mark the voter as having voted.

At the polling place on election day for all rejected absentee ballots, the moderator shall record next to the name of the absentee voter on the clerk's list the word "rejected" and the reason for the rejection. Do NOT record the rejection on the official checklist. A list of the permitted absentee ballot rejection reasons can be found in SVRS Help Instructions.

Sending Absentee Ballots

Clerks to Send or Deliver Absentee Ballots

The clerk must mail or personally deliver the absentee ballot, making certain that the appropriate ballot, affidavit, and instructions are enclosed, without delay. If the application for an absentee ballot does not state that the voter will be absent from town or unable to vote in person due to religious observance, physical disability, or work obligations, the clerk should also send a notice of the requirements for absentee voting.

The clerk may designate an assistant to deliver an absentee ballot, provided that the assistant is not a candidate for office or working for a candidate.

The clerk shall mail absentee ballots in response to verified absentee ballot requests that have been received by 12:00 p.m. on the day before the election. The clerk shall provide an absentee ballot to any voter requesting an absentee ballot in person at the clerk's office up until 5:00 p.m. on the day before the election. RSA 657:15. If the clerk's office is open later than 5:00 p.m., it is permissible to issue an over-the-counter absentee ballot until the clerk's office closes; 5:00 p.m. is a minimum requirement, not a deadline.

Sending Absentee Ballots to UOCAVA Voters

Upon receipt of a properly executed application for an absentee ballot from a UOCAVA voter, a town or city clerk shall retain the application and, without delay, enter the application into SVRS. RSA 657:10-b, 19, 26.

The clerk shall send the appropriate ballot and materials without delay, regardless of whether the applicant appears on the checklist. Absentee ballots for UOCAVA voters can be sent by mail or email, as requested by the voter. RSA 657:19.

Note: if a UOCAVA voter does not indicate a party affiliation, they cannot vote in a primary election. If a UOCAVA voter is undeclared, requested an absentee ballot for a primary, and did not identify which party's ballot they are requesting, clerks are encouraged to reach out to the UOCAVA voter to identify the party with which they seek to affiliate. Clerks must send the Return to Undeclared Form to any undeclared absentee voter who requests to vote a party primary ballot. Political party affiliation is not required to vote in a general election.

Absentee Ballots for Emergency Service Workers

If an emergency services worker receives notice after noon on the Friday before an election that they are being called into service under circumstances that will prevent that person from voting in person or by absentee using the usual procedures, the Secretary of State's office should be informed. The Secretary of State, with assistance from the Attorney General and the Department of Safety, will make every reasonable effort to get absentee ballots and materials to these emergency service workers and back to the local polling places.

This law waives the usual requirement that ballots be received at the polls by 5:00 p.m. Under this law, any absentee ballot received before the polls close from a deployed emergency services worker, if found properly qualified, must be counted.

Local election officials should make an effort to ensure that local emergency services workers are aware of this law. In the event of a local emergency that ties up local emergency services workers and prevents those who planned to vote in person at the polls from doing so, local officials should contact the Secretary of State and make arrangements for a local official to transport absentee ballots and materials to the site of the local emergency and afford qualified emergency services the opportunity to cast absentee ballots. RSA 657:21-a.

Voter Tracking of Absentee Ballot

The clerk should provide instructions to absentee voter applicants describing how to access the Secretary of State's website to determine whether:

- Their absentee ballot request was received;
- The clerk has sent the absentee ballot to the voter;
- Their returned ballot was received by the clerk; and
- The absentee ballot was counted or rejected by the moderator (and, if rejected, the reason for rejection).

Voters can determine the status of their absentee ballot at https://app.sos.nh.gov/viphome.

INCARCERATED PERSONS

A person incarcerated because of a felony conviction is not eligible to register or vote while incarcerated. RSA 607-A:2. A voter who is incarcerated for a misdemeanor or who is held in a penal institution while awaiting trial, however, *does* have the right to vote by absentee ballot. RSA 657:4, 7. When completing a voter registration form an absentee ballot application, an incarcerated person must list the address of their domicile prior to incarceration in the address section and the address of the penal institution in the mailing address section. RSA 654:2-a.

Returning Absentee Ballots

A voter who has received an official absentee ballot must either mail, personally deliver, or have a delivery agent deliver it to the city or town clerk. RSA 657:17.

Town and city clerks must be available for absentee voters to request or drop off a completed absentee ballot in its envelopes between 3 and 5 p.m. on the day before any election. Note, however, that RSA 657:7 and 657:16 were amended: **ALL** absentee ballots must be sealed in the affidavit envelope (form A), but **ONLY** absentee ballots that are mailed to the clerk need to be sealed in the outer envelope. An absentee voter who hand delivers their absentee ballot properly sealed in affidavit envelope (form A) with all supporting documentation does **not** need to place these documents in the outer envelope. If they nevertheless hand deliver their documentation in the outer envelope, the clerk cannot open that outer envelope. If an absentee voter presents photo ID when hand delivering their absentee ballot, the clerk must mark voter verified on the affidavit envelope (or write “voter verified” on the outer envelope if the affidavit envelope is sealed in the outer envelope) and record this in SVRS.

If a voter brings their absentee ballot in person to the polling place on election day, the voter must be instructed to vote in person using an election day ballot. The voter must turn in the absentee ballot, and election officials must reject that ballot, preserve it unopened, and mark "voted in person" on the unopened ballot. The rejection reason must be entered into SVRS.

Absentee ballots delivered by mail shall be accepted no later than 5 p.m. on election day. RSA 652:20; 657:22.

A delivery agent may hand deliver an absentee ballot to the town or city clerk’s office or, on election day, to the town, city, or ward clerk at the polling place as late as 5:00 p.m. Only the following are authorized by law to serve as a delivery agent:

- The voter’s spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild;
- The administrator or administrator’s designee of a nursing home, if the voter is a resident of the nursing home;
- The administrator or administrator’s designee of a residential care facility, if the voter is a resident of the residential care facility; or
- A person who assists a voter with a disability with voting absentee and signs their name on the affidavit on the line for identifying a person who assisted the voter. This type of delivery agent is limited to delivering no more than four absentee ballots in any election.

RSA 657:17. A delivery agent must sign an Absentee Ballot Return Form when delivering an absentee ballot on election day. As a best practice, even prior to election day, clerks should request the delivery agents complete an Absentee Ballot Return Form when delivering absentee ballots to the clerk’s office. A completed form helps the clerk ensure the absentee ballot is received from a person authorized by law to make the delivery.

RECEIPT OF MARKED ABSENTEE BALLOTS BY CLERK

Upon receipt of an outer envelope or an affidavit envelope purporting to contain an absentee ballot, the clerk shall attach the voter’s application for an absentee ballot to the envelope submitted by said

voter and enter the return date of the absentee ballot in SVRS. RSA 657:18.

The envelopes shall be preserved unopened until they are processed on election day. RSA 657:18, 659:50. Upon receipt of a return envelope marked "not registered" or purporting to contain registration information for UOCAVA voters, the clerk is authorized to open the outer envelope and deliver the registration information to the supervisors of the checklist.

Any absentee ballots received in the mail prior to 5 p.m. on election day must be presented to the moderator for processing.

Death of an Absentee Voter

If the election officials counting ballots have knowledge that an absentee voter has died prior to the opening of the polls, do not open the absentee affidavit envelope and do not count the vote. RSA 659:48. Consult with the Secretary of State's Office regarding how to proceed.

Determining Absentee Ballot Voter Identity – Hand Delivery

The amended law permits hand-delivered absentee ballots to be placed in just the affidavit envelope (form A) and does not require the outer envelope. Election officials should ensure they validate a voter's information when an absentee ballot is hand-delivered prior to the voter leaving the office.

If the voter's information was not validated and the voter's identity cannot be determined, check to see if the voter provided their address on the affidavit envelope. If they did, search SVRS by address, and then compare to the absentee ballot list to see if one of the applications is outstanding.

If the voter did not provide their address, record the date the absentee ballot was received on the affidavit envelope. On election day, the moderator should determine which applications are still outstanding and try to match the signature of the voter with the affidavit versus the application. If the moderator is unable to determine which voter the affidavit was received from, the ballot should be rejected.

Absentee Voters – Not Registered

Upon receipt of an outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant returns the required documents before the supervisors' final session, it is best practice for the clerk to enter the applicant into SVRS in the "Pending" status, which allows the clerk to enter the voter and all the absentee ballot information in SVRS so it will appear on the absentee ballot list. The voter, however, cannot look up the status of their absentee ballot online until the Supervisors meet and approve the application. Forward any voter registration documents to the supervisors of the checklist immediately upon receipt.

If a voter registration application is received after the supervisors' last session before the election, do NOT enter the voter into SVRS. The voter will be treated as an election day registration and all forms will need to go to the polls on election day. If the voter is entered prior to election day, the supervisors will not be able to accurately balance their checklist of election day voters because the voter registration date will not show as election day.

If the supervisors find the applicant to be qualified, the applicant shall be added to the checklist and the absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter.

The town or city clerk shall notify the individuals with deficient or incomplete absentee ballot application documents of the deficiency within seven days of receipt of the application. RSA 657:16.

If the voter returns the absentee ballot without the required registration documents, the ballot, in its envelopes, shall be brought to the polling place, ruled on by the supervisors, marked, and preserved in the manner set forth by law for a

successfully challenged absentee ballot. The supervisors shall notify the moderator who shall reject the absentee ballot as "Not a registered voter." RSA 657:16.

The affidavit envelope (with its contents) of a successfully challenged absentee voter shall be preserved unopened, stored with the ballots, and destroyed unopened when the retention period for ballots expires. RSA 657:16.

The supervisors shall write an adequate description of their decision on the Asserting a Challenge form or otherwise in the voter's records. The clerk shall note the outcome of the challenge on the clerk's absentee ballot list. RSA 654:7, 13; RSA 657:16, 26; RSA 659:27-a; HAVA Section 703.

Notice to Voters of Rejected Absentee Ballot

As best practice, but not required by law, the moderator or clerk should send all successfully challenged absentee voters a notice. Advise the voter that their absentee ballot was successfully challenged or was rejected by the moderator, and the grounds for the challenge or reason for rejection.

Any person whose voter registration application was rejected shall be provided notice by the supervisors within seven days. RSA 657:16, 19, X.

The moderator shall not unilaterally reject an absentee ballot for a challenge to the voter's age, citizenship, or domicile without first obtaining a ruling from the supervisors of the checklist and completing a signed Asserting a Challenge form. RSA 659:27, 27-a.

If the supervisors determine that, based on the challenge, the absentee voter is not qualified as a voter, following the election, the supervisors must initiate removal from the checklist by sending the voter a 30-day letter, except where there is an official notice of death, notice of transfer of voter registration, or notice of a permanent move out-of-town from the USPS or Division of Motor Vehicles.

Unlawful Use of Absentee Ballot

Anyone who votes or attempts to vote in violation of any provision of N.H. RSA Chapter 657 – Absentee Voting – is guilty of a misdemeanor. This includes anyone who votes or attempts to vote under the provisions of RSA Chapter 657 who is not entitled to vote by absentee ballot.

Election officials suspecting that a voter has voted using an absentee ballot when that voter was able and available to come to the polls and vote in person should notify the Attorney General's Office. However, if the person's absentee ballot otherwise satisfies the law and the voter is otherwise qualified to vote, the ballot must be cast and counted.

A person loses their right to vote and have their vote counted only if the voter is an incarcerated felon or has been convicted of a willful violation of the election laws. New Hampshire Constitution, Part 1, Article 11; RSA 607-A:2. Therefore, it would violate the voter's rights to refuse to count their ballot because of suspicion that they wrongfully used an absentee ballot when they were required by law to vote in person at the poll; it is important not to violate a person's right to vote by not counting their ballot based on a mere suspicion that they are improperly voting absentee.

Advertisements Encouraging the Use of an Absentee Ballot

Political parties and candidates sometimes promote voter turnout by sending out materials promoting voting by mail. New Hampshire only permits voting by absentee ballot for limited reasons, as defined by RSA 657:1.

RSA 657:4, II requires that anyone promoting voting by absentee ballot in any advertising include a copy of the state application for an absentee ballot. The State issued absentee ballot request form contains a list of the lawful reasons that allow an individual to vote by absentee ballot.

Clerks are directed to monitor the applications that come into their office. If pre-printed applications

appear to have alterations or have come from political advertising but do not include the qualifications or requirements for voting absentee, immediately alert the Attorney General's Office. It is unlawful for anyone to vote or attempt to vote by absentee ballot who is not entitled to do so. RSA 657:24. It is also unlawful for others, including campaigns, to conspire with others to violate this law. RSA 629:3. This procedure is intended to reduce the frequency of voters misled to believe they can vote absentee without justification.

Processing Absentee Ballots on Election Day – Best Practices

The key to processing absentee ballots is organization and starting early.

An absentee voter should return a marked absentee ballot inside the affidavit envelope (form A), which has the absentee affidavit printed on it. That affidavit envelope **must** be placed inside the outer mailing envelope if the absentee ballot is returned by mail, however, if the absentee ballot is hand-delivered, the affidavit envelope containing the absentee ballot may be placed, but does **not** have to be placed, in the outer mailing envelope. Clerks will place a label on this outer envelope printed with the voter's name, address, and voter ID number with a bar code for scanning.

PRE-ELECTION DAY:

1. Organize returned absentee ballots with the attached voter's absentee ballot application alphabetically by last name. In cities, or towns with districts, also organize the absentee ballots by ward/district.
   a. Separate returned absentee ballot envelopes that are marked "Not Registered" if the supervisors have not received the applications for absentee voter registration.
2. On the final checklist which will be used at the election, highlight the names of voters who returned absentee ballot envelopes. SVRS will print the names of voters who requested absentee ballots in **bold** to help identify those voters when processing absentee ballots on election day. Absentee ballot requests received and entered into SVRS after the checklist is printed will not be bolded.
3. At least 24 hours before the polls open, post the time when the polling location will:
   a. Cut open the absentee ballot outer envelopes without removing the affidavit envelope (for absentee ballots mailed in the outer envelopes); and
   b. Process absentee ballots.

It is highly recommended to cut open the absentee ballot outer envelopes when polls open, which is the earliest allowable time. RSA 659:49-b.

Absentee ballots are statutorily required to be processed at 1:00 p.m. *unless* a different time is posted and announced at least 24 hours before the polls open. The moderator of their designee must post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. Additionally, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin. RSA 549:49. Processing must take place no earlier than two hours after the opening of the polls; for example, a polling place which opens at 8:00 a.m. can process absentee ballots no earlier than 10:00 a.m. with proper notice.

ELECTION DAY:

Processing an absentee ballot occurs within the rail in an area chosen by the moderator. The chosen area should be in a position where appointed party challengers and the public are able to observe processing and hear the moderator announce each voter's name. The chosen area should not interfere with in-person voters checking in, using voting booths or privacy screens, and depositing their ballots in the ballot box or electronic ballot counting device. Only checking and marking the checklist, the final step before casting the absentee ballot, should occur at the check-in table(s).

1. When the polls open, the moderator shall announce the time at which the processing of absentee ballots shall begin. RSA 659:49, II.
2. Cut open the absentee ballot outer envelopes without removing the affidavit envelope at the posted time.
3. Deliver absentee voter registration forms returned by applicants in the outer envelope to the supervisors. Keep the sealed absentee affidavit envelopes and outer envelopes together and set aside to process after the supervisors finish their review of registration applications.
    a. The supervisors review the voter registration form, absentee registration affidavit, and supporting proof documents, then vote whether to add the applicant to the checklist.
    b. If the application is approved, the voter's name must be added to the checklist in the same manner as an in-person election day registrant.
    c. The moderator and supervisors should agree on an efficient way for the moderator to be informed of who is added to the checklist and/or when all pending absentee applications have been processed and all approved voters have been added to the checklists.
    d. If the supervisors deny any applications, notify the moderator. The moderator will reject each applicant's absentee ballot as "not a registered voter."
4. For polling locations which use a paper checklist, group the absentee ballots into manageable batches in sections of the alphabet matched to the sections of the alphabet assigned to each check-in station. The batches can be organized in this manner prior to election day.
    a. For polling locations which use electronic pollbooks, the absentee ballots do not need to be placed into batches. However, election officials should coordinate and designate at least one electronic pollbook for processing absentee ballots only during the time noticed.
5. The moderator should staff as many people as necessary to open the mailing envelopes of all absentee ballots. With the time properly noticed, the mailing envelopes can be opened when the polling location opens. Train staff to keep the ballots in alphabetical groups.
6. With the time properly noticed, absentee ballots can be processed as early as two hours after the polling location opens to voting.
7. Publicly announce the processing of absentee ballots. Allow appointed party challengers and the public to observe processing from outside the rail in a position where they can hear the moderator's announcement of each voter's name. RSA 659:50.
8. For each absentee ballot:
    a. Verify the voter's name is on the checklist. At this step, if affidavit envelopes from voters who have also submitted an absentee voter registration are separated out, it is okay to rely on the clerk's list. You will still confirm that the voter is on the checklist at the final step when marking the checklist with a red "A.V."
    b. Determine if the voter properly executed the affidavit envelope.
        i. An affidavit is properly executed if the voter has completed the affidavit and signed it. If the signature is illegible, you must assume it is the voter's name. Do not compare signatures, as signature comparison has been struck down by court order.
        ii. Alternatively, the affidavit envelope is properly executed if there is no voter signature but there **is** a name and signature of a person assisting the voter. You must assume the voter has a disability which prevents the voter from signing their name and treat the affidavit as properly signed.
    c. Reject an absentee ballot based on failure to properly execute the affidavit if:
        i. There is no signature on the line for the voter's signature and no name or

signature on the line for a person assisting the voter; or

ii. The line for the voter's signature has a clearly legible signature and the name is that of someone other than the voter.

9. Unless the voter is a confidential voter, publicly announce the absentee voter's name.
   a. If, after announcing the voter's name, they are challenged, follow the process for resolving voter challenges laid out in the Election Day Section.
10. At most polling places, each of these previous steps should occur one at a time. However, if a polling place has a high volume of absentee ballots to process, the moderator may appoint deputy or assistant moderators to simultaneously process batches of absentee ballots.
11. If processing a large volume of absentee ballots, have more than one moderator/deputy/assistant assigned to each alphabetical batch processed to this step. The absentee ballot must remain in the affidavit envelope and kept with the outer envelope until just before the checklist is marked.
12. Open the affidavit envelope so that the affidavit is not destroyed and remove the absentee ballot without unfolding or allowing the ballot to be examined. Confirm the affidavit envelope contains one ballot (or multiple ballots if that election issues multiple ballots to voters).
    a. During a primary election, confirm the voter's party matches the party of the ballot mailed. For an undeclared voter, confirm the ballot is for the party the voter requested according to the absentee ballot application.
    b. If the envelope contains an "Undeclared Voter Election Day Party Affiliation Change Form," give those forms to the supervisors of the checklist for processing. Do NOT keep in the envelope. After the election, the supervisors must enter "Undeclared Voter Election Day Party Affiliation Change Forms" to change voters back to undeclared into SVRS.
13. Reject the absentee ballot if the voter returned more than the permitted number of ballots. In a primary election, reject the absentee ballot if the voter returned a ballot from a party different than the voter's registered party or, for an undeclared voter, different from the party stated on the absentee ballot request form. Return rejected ballot(s) to the envelopes, seal the envelope, and mark the envelope and the clerk's list with the reason for the reject. A list of permitted absentee rejection reasons can be found in SVRS Help Instructions.
14. Working with the ballot clerk(s) managing the check-in for names in the alphabetized batch of absentee ballots, determine if the checklist is marked showing the absentee voter has already voted in person. Keep the envelopes containing the absentee ballots in alphabetical order and use a highlighted checklist to speed-up the process of finding a voter's name for polling locations which use paper checklists.
    a. If the voter has already voted, return the ballot to the envelope, seal the envelope, mark the affidavit envelope and the clerk's list "rejected voted in person."
    b. Preserve the rejected absentee ballot, seal the affidavit envelope, and keep the affidavit envelope with the outer mailing envelope (if used). Rejected absentee ballots are kept with other ballots from the election. Ideally, put the rejected absentee ballot envelopes in a larger envelope or box marked "rejected absentee ballots." Seal that envelope/box in the boxes of ballots from the election sealed after all ballots are counted and the results of the election are announced.
15. If the voter has not already voted in person, the ballot clerk must mark an "A.V." in red ink, make a checkmark in the box for checkmarks, and draw a thin line through the absentee voter's last name. At a primary, if the voter is on the checklist as undeclared, write in the "Party" column the three-letter abbreviation (DEM/REP) for the party whose ballot the voter is casting. Repeat these steps for the entire

batch of absentee ballots.

16. For absentee ballots that will be cast, separate the affidavit and mailing envelopes from the absentee ballot. Preserve the envelopes with the ballots from the election. RSA 659:52, 101.
17. Take the batch of absentee ballots to be cast to the ballot box or ballot counting device. Handle the ballots so that no one can see how the voter marked the ballot. Cast the ballot into the ballot box or ballot counting device. Keep the envelopes with the attached absentee ballot application secure until placed into the sealed ballot storage boxes after counting is complete.

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Days and Times When Elections Are Held

Election Dates

Town elections are held annually on the second Tuesday in March, unless they adopted the alternative April or May town meeting date under RSA 40:14, X or adopted the provisions of RSA 31:94-a to elect officers on the second Tuesday in

May. RSA 669:1.

Any town that has adopted a municipal charter under RSA 49-B:1-6 may hold elections on the second Tuesday in March, the second Tuesday in May, or the Tuesday after the first Monday of November in odd-numbered years. RSA 669:1.

Towns which adopt the provisions of RSA 40:13, known as Senate Bill 2 (“SB2”) towns, adopt separate dates for a deliberative meeting and an election day (official ballot voting day) where warrant articles are voted on by official ballot. The dates chosen must be in accordance with the restrictions set forth in that statute.

City elections are held in accordance with applicable provisions of the city charter.

The state primary is held on the second Tuesday in September. RSA 653:8 (2026). Beginning in 2028, the state primary will be held on the second Tuesday in June. RSA 653:8 (eff. Jan. 1, 2028).

The state general election is held on the first Tuesday after the first Monday in November. RSA 653:7.

Presidential preference primaries shall be held on the second Tuesday in March or on a date selected by the Secretary of State which is seven days immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year in which a President of the United States is to be elected, or the year previous. The Secretary of State will call a special election if other than on the second Tuesday in March. RSA 653:9.

Election Times

At all state elections the polls in both towns and cities shall open not later than 11 o'clock in the morning and may not close earlier than 7 o'clock in the evening.

In cities, the city council shall determine the polling hours at least 30 days prior to the election. RSA 659:4.

At the 1994 general election, many communities voted yes on the following question: "Shall we adopt polling hours in (town name) at all state elections beginning with the 1996 state primary election under which the polls shall open not later than 8 o'clock in the morning?" If a community voted yes, then their polls must open at 8 a.m. for all state elections. This provision does not apply to local elections.

Any town wishing to change their polling hours may do so by voting on an article at town meeting under the provisions of RSA 659:4-a. If the article passes, notify the Secretary of State. The Secretary of State will put the question regarding changing the hours on the next general election ballot in that town.

The governing body of a town may extend the hours of polling in the town, provided that no extension of the hours of polling may take effect sooner than 60 days after its adoption. RSA 659:4-a.

For city elections, hours are set by city charter or by the city council.

Polling hours for a town meeting or election shall be set by the selectmen or by a vote of the town. RSA 669:25. Municipalities are encouraged to have uniform polling places and hours to make it easy for voters to know when and where they vote at any election, state or municipal.

Election Day Staff

Moderator: The moderator is the chief election officer in charge of the polls and overseeing voting. RSA 659:9; RSA 44:12.

Town Clerk: The town clerk has diverse municipal duties, including election responsibilities such as the warning of meetings, conducting elections, and reporting the results declared by the moderator.

City Clerk: The city clerk has diverse municipal duties, including conducting elections. Check your local city charter for more details.

Ward Clerk: The ward clerk has the powers, performs the duties, and is subject to the

responsibilities of the clerk for that ward. RSA 44:6; RSA 44:12.

Supervisors of the Checklist: Supervisors are responsible for registering voters; removing voters who permanently move, die, or otherwise are disqualified; and preparing, posting, revising, and certifying the checklist in their town or ward. In cities, these officials are often termed Registrars.

Town Selectmen: Town selectmen are members of the governing body of a town who also have a variety of duties related to elections.

Ward Selectmen: Ward selectmen generally have the same election-related powers, duties, and responsibilities that town selectmen have. RSA 44:12.

Inspector of Elections/Ballot Clerk: Ballot Clerks are Inspectors of Election or other election officials who check in voters and issue ballots. While the terms “ballot clerk” and “inspector of elections” are sometime used interchangeably, an “inspector of elections” may be assigned other duties.

Greeter: An election official assigned by the moderator to assist and direct arriving voters to the correct starting place to register or vote.

Appointment Process for Ballot Clerks

Effective January 1, 2028, the state chair of each of the two political parties that received the largest number of votes cast for governor at the prior general election may appoint inspectors of election to act at each polling place. By April 15 of each general election year, the Secretary of State shall provide to each chair a list of the number of inspectors of election that should be appointed for each town or ward. Each chair shall notify appointees and the town or ward clerk of such appointments between February 1 and April 30. If such appointments are not made and noticed between February 1 and April 30, the town or ward selectmen shall appoint inspectors of election in equal number from the two political parties.

Generally, there are at least two ballot clerks at each check-in station, one for each of the two major parties. The statute provides that if the number of voters at the polling place exceeds 2000, the parties may appoint one additional inspector for each additional 1500 voters. RSA 658:2. If the moderator so requests, the political parties may appoint on an equal basis an additional number of inspectors as the moderator deems necessary. RSA 658:2.

The moderator chooses the ballot clerks from among the inspectors of election. Two ballot clerks are chosen, one from each political party for each check-in position (section of the checklist divided alphabetically so there are approximately equal numbers of voters in each section). Under the supervision of the moderator, the ballot clerks shall have charge of the ballots during the time the polls are open and shall furnish ballots to the voters. RSA 658:25; RSA 659:13.

The inspectors who are not designated as ballot clerks are assigned duties by the moderator at the polling place, such as relieving the ballot clerks, greeting and assigning voters to appropriate lines, and assisting voters requiring assistance in marking their ballots. RSA 658:25; RSA 659:20.

Oath of Office Required for Election Officials

Inspectors of elections (ballot clerks), appointed assistant election officials, moderators pro tem, supervisors pro tem, clerks pro tem, and selectmen pro tem, including anyone recruited to count ballots, shall take an oath of office before engaging in the duties of their position. A blank Oath of Office template is available in SVRS and the appendix.

Officials administering an oath must file the completed Oath of Office forms with the clerk. RSA 42:1; RSA 42:7; RSA 42:8; RSA 658:4. In addition to being a formal requirement of law, taking the oath of office helps ensure the individual understands that he or she is agreeing to fulfill the duties assigned by law to the office/position and that he or she will be subject to the consequences

established in law for knowingly failing to perform those duties. RSA 42:1-a; RSA 92:2; RSA 643:1; RSA 666:3; RSA 669:9.

Tasks to Complete Before the Polls Open

Pre-Election Certificate

The Pre-Election Certificate is used for two purposes.

Part I – Counting Ballots of the Pre-Election Certificate certifies that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted, and requires the Moderator and Clerk to record and attest to the total number of Official Ballots (excluding Absentee and test ballots). This may be done at the time the ballots are inventoried.

Part II – Electronic Ballot Counting Devices is applicable only to those polling locations which utilize an electronic ballot counting device. Part II requires the moderator and clerk to sign and certify **on election day** that "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk [certified] that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city's possession, and that the[] ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed." RSA 656:42. The Pre-Election Certificate additionally requires the serial numbers of each electronic ballot counting device in use be recorded.

Inspect the Ballot Counting Device

In towns that use ballot counting devices, moderators must complete a few tasks before the polls officially open. In the presence of at least one witness, the moderator must inspect the ballot box and all its compartments to confirm the box is empty.

Print the Zero-Tape/Polls Opened Report

At this juncture, the device can be turned on. Upon powering the device, print what is called a "zero-tape" which is essentially written/displayed proof that shows the starting count for each candidate and question is zero. Sign the zero tape/polls opened report and preserve it alongside the results tape (discussed later). Do not seal the zero-tape or results tape into the sealed ballot boxes—they should be retained by the clerk with the other non-sealed election documentation.

Polling Area Layout

The polling area must be set up to provide an orderly flow of voters. Place the guardrails so that no person outside the rail can approach closer than 6 feet to the voting booths, voting privacy screens, or ballot counting device/ballot box. No person other than the election officials or registered voters in the process of voting may be within the rails except by the authority of the election officials. Ballots may not be removed from within the rail until sealed in storage boxes after the counting is completed.

See page 62 for a model Traditional Polling Place Layout.

See page 63 for a model Electronic Poll Book Polling Place Layout.

Greeters

The responsibilities of greeters are discussed more in depth in the Duties of Greeters section.

The primary benefit of using greeters is to direct foot traffic into the polling place. The election day polling place has numerous tables, guardrails, election officials, and lines. Many individuals will be overwhelmed by navigating the maze, no matter how well organized it is. And it is not just voters entering the building: there may also be observers, challengers, state election officials, journalists, or even classroom students. Each of these folks must be directed to the proper area.

The other primary role of greeters is using the alpha voter list to check to see if a voter is already registered in order to direct the voter to the appropriate line (check-in or voter registration).

Greeters can serve other useful purposes as well. A greeter at the polling place entrance can monitor for electioneering and ensure the no-electioneering corridor is intact. Or, greeters placed near the ballot clerk table can help the ballot clerks ensure the number of voters within the guardrail does not exceed the number of voting booths/privacy screens.

The Guardrail

Every polling place must have a "guardrail" that segregates the voting area from the public. These rails can be rope, ribbon, or other materials.

Place the guardrails so that no person outside the rail can approach closer than six feet to the voting booths, privacy screens, or ballot counting device/ballot box. RSA 658:9, I. No person other than election officials or registered voters in the process of voting may be within the rails except by authority of the election officials. RSA 659:21. Ballots may not be removed from within the rail until sealed in storage boxes after the counting is completed. RSA 659:38. Moderators must also ensure that the number of voters within the guardrail who have a ballot does not exceed the number of voting booths and privacy screens. RSA 659:16.

Placement of the guardrail must ensure that the voting booths and ballot counting device/ballot box are in plain view of those outside the guardrail. RSA 658:9, II.

Certain rules also apply to the guardrail during counting (covered more fully in the Election Night section). Counting must be conducted within the guardrail, and no ballot can be placed within four feet of the guardrail during that time. RSA 659:63.

Observation Area

Polling places should also have designated observation areas. They fulfill two purposes. The first is for public viewing. Anyone can come and watch the casting and counting of ballots. This can include members of the public, political party representatives, or activist groups. Observers cannot, however, enter certain areas of the polling place. They cannot enter within the guardrail. RSA 659:21. They cannot be within five feet of the voter registration table. RSA 654:7-c. They cannot be within six feet of the ballot clerk check-in table without moderator permission. RSA 659:13-a. Creating one or more designated observation area ensures these rules are followed.

The second reason for defined observation areas relates to challengers. Challengers are individuals who may challenge a voter's qualification to vote. The challenge process will be discussed more fully later in this section. For layout purposes, it is important to ensure that challengers can hear ballot clerks announce the names of voters checking-in, RSA 654:7-c, and to see and hear the hand counting of ballots/have a line of sight on any ballot counting device. RSA 654:7-c; RSA 666:5. Creating an observation area allows moderators to ensure these requirements are met. Note that in some polling places, the normal observation area may not be close enough for the challengers to hear the ballot clerks announce the names of voters. In that situation, a separate challenger area will need to be created closer to the checklist.

Supervisor of the Checklist Table

One of the first tables a voter comes across should be the Supervisors of the Checklist. New Hampshire permits same day voter registration, so placing the Supervisors near the entrance allows for a clean traffic flow. The supervisors are also present for situations where registered voters changed their name and thus cannot check-in initially. For more information on voter registration, see section I.

On election day, the supervisors are permitted to appoint assistant supervisors who can register voters. RSA 658:7. The Secretary of State's Office allows towns to give one assistant supervisor limited SVRS access. They can enter new voters,

make changes to voters, and put voters in pending removal status. They cannot approve or remove voters.

Usually, individuals who register on election day desire to vote upon registering. After the supervisors process and approve a qualified individual's registration, the person then proceeds to the ballot clerk table to check-in and obtain a ballot. The ballot clerks will either have the physical checklist or electronic poll books that will not have the newly registered voter. As such, the supervisors (upon registering the person) must notify the ballot clerks to add the person to the checklist and mark them as having obtained a ballot.

In towns that do not use electronic poll books, this is done using a New Voter Authorization Form. A copy of this form is in SVRS Help Instructions and the appendix. The form is completed by the newly registered voter, signed by a supervisor of the checklist, and then handed to the ballot clerk. The ballot clerk will add the person's name to the checklist and issue them a ballot.

For towns that use electronic poll books, some towns use this same process, while others will have their supervisors use an electronic poll book to add election-day voter registrants to the checklist. Upon a supervisor entering the new voter into the poll book, the machine will generate a green receipt with the voter's name on it. The voter can take this green receipt to the ballot clerks which will alert them that the person is a newly registered voter. Towns can still use the New Voter Authorization Form alongside or in place of green receipts—what matters is that each polling place has a process for notifying the ballot clerks that an individual is newly registered and must be added to the checklist before obtaining a ballot. This ensures that during reconciliation the numbers of voters who checked in matches the number of ballots.

For more information on how ballot clerks must add a new voter to the checklist, see the detailed ballot clerk procedures in SVRS Help Instructions.

At primaries, undeclared voters may, after declaring a party and voting, complete the "Undeclared Voters Election Day Party Affiliation Change Form" or sign the "Undeclared Voters Re-Registration" list at the polls to return to undeclared status on election day. This is another reason why the supervisors of the checklist table must be outside the guardrail—voters cannot re-enter it upon having voted.

Ballot Clerk Table

As the name implies, ballot clerks issue ballots. Before doing so, they must check the registered voter in (or add the newly registered voter to the checklist, discussed above). Voters must present identification to be checked in. For more information on acceptable identification, see the Duties of Ballot Clerks section.

New Hampshire law does not set minimum standards for the number of check-in stations the way it does for voting booths. Based on experience and research, it is prudent to have at least one check-in station for every expected 600 in person voters. For high-volume polling places, it is important to break the checklist into sections, allowing more than one voter to check in simultaneously.

A breakdown of the optimal distribution of letters based on the number of check-in stations is located in the appendix and in SVRS Help Instructions.

Towns that do not use electronic poll books to check voters in will do so using the paper checklist. The paper checklist contains the names, addresses, voter identification number, and political affiliation of every registered voter in that town or ward. Once the ballot clerks check the person in by marking the checklist, they hand the voter a ballot or some type of receipt/token used to obtain a ballot from another ballot clerk.

The process looks different for towns that use electronic poll books. Although the law permits towns and cities to use electronic poll books for voter check-in, it requires them to continue

marking the paper checklist in parallel, with a lag time of no more than 30 minutes of a voter checking in. To facilitate marking the checklist, the poll books print a white receipt after each voter checks in. This receipt is collected by the ballot clerk who gives the voter a ballot. That receipt is then used by ballot clerks to mark the paper checklist.

Some towns have reported that the marking process can be sped up by assigning some ballot clerks to alphabetize the receipts before transferring the receipts to other ballot clerks who are responsible for marking the checklist.

As a final note, to prevent voters from marking ballots in public or trying to leave the area within the guardrail with a ballot, moderators should require the ballot clerks to hand out ballots only when a voting booth/screen is available. RSA 659:13; RSA 659:14. Some moderators will employ additional greeters to assist the ballot clerks in monitoring the number of available voting booths.

Where to Process Absentee Ballots

Process absentee ballots within the guardrail in an area that will not interfere with in-person voters. Allow appointed party challengers and the public to observe processing from outside the rail in a position where they can hear the moderator's announcement of each voter's name. RSA 659:50.

At most polling places, the moderator can process absentee ballots one at a time, however, if a polling place has a high volume of absentee ballots to process, the moderator may appoint deputy or assistant moderators to simultaneously process batches of absentee ballots.

For more information on the processing of absentee ballots, see both the Absentee Ballots section and Duties of Moderators section.

Voting Booths and Equipment

As more fully covered in the Duties of Selectmen section (as selectmen are responsible for equipping the polling place), the number of voting booths and privacy screens provided at the polling place depends on the number of voters on the checklist and the type of the election. See that section for more information on calculating the number of booths and screens.

Spoiled Ballots

A voter who makes a mistake when marking his or her ballot may spoil his ballot by taking it to the moderator. Any voter who spoils a ballot(s) may receive a replacement, not exceeding three in all, upon returning the spoiled ballot(s) to the moderator.

The moderator must write the word "canceled" on the spoiled ballot and sign it. It is important during the counting process and at any recount to be able to clearly identify marked ballots that were spoiled and not cast and therefore must not be counted. The moderator must hold spoiled ballots aside and properly account for them on the post-election certificate. Seal spoiled ballots, ideally in a separate envelope marked "spoiled ballots," with the other unused ballots at the end of counting. RSA 659:22.

Check-Out Table for Hand-Count Towns

In hand-count towns, the clerk or an assistant staffs a checklist located just before the ballot box. As a voter arrives to hand his or her ballot to the moderator for casting into the ballot box, the voter checks out with the clerk. The photo identification requirements for check-in do not apply to checkout, otherwise the process is the same as check-in. The voter states his or her name (name and party, if a primary) and is checked out. If the voter was registered as undeclared when they arrived at the polling place, they should be given an opportunity to sign the list or complete the form to return to undeclared.

Depositing Completed Ballot – Hand Count

Before leaving the voting booth or voting privacy screen in a hand-count polling place, the voter shall fold their ballot in the same way it was folded when received by them and shall keep it folded so that the marks on it cannot be seen. They shall

then proceed to the checkout table and shall announce their name to the town clerk who shall repeat the name and place a mark beside it on the checklist. The voter shall then present his ballot with the official endorsement uppermost to the moderator who shall then deposit the ballot in the ballot box.

DEPOSITING COMPLETED BALLOT – BALLOT COUNTING DEVICE

Towns that have ballot counting devices differ from hand-count towns in a few ways. First, there are no check-out tables, so voters proceed directly from the voting booth to the ballot counting device.

Second, the ballots are not folded. To protect the voter's privacy, state law requires polling places to provide privacy folders for voters to use when carrying the marked ballot to the device. A manilla folder or large piece of paper can be used as a privacy folder.

The size of the folder is important because the goal is to maintain the secrecy of how the voter marked the ballot. It must be of sufficient size to cover the area of the ballot containing offices, questions, and ovals. Ideally, it will be sized so the top or bottom edge of the ballot protrudes, allowing the voter to feed the ballot into the device without removing the ballot from the folder. Some municipalities utilize extra-long ballots in their local elections, so ensure that the privacy folders are long enough in those elections.

The privacy folder is turned in once the ballot is fed into the ballot counting device. Because the folders can be recycled back to the ballot-issuing table as soon as the voter feeds his or her ballot into the ballot counting device, it is not necessary to have a folder for every ballot printed. Depending on the size of your community, typically one privacy folder for every voting booth and voting privacy screen will be sufficient.

Third, the voter feeds the marked ballot into the device. Election officials do not handle the ballot unless it must be placed into the side pocket. Every ballot counting device has a side pocket—an auxiliary compartment on the side of the machine that ballots can be manually fed into. They are covered more fully below.

WHEN TO USE THE SIDE POCKET – OVERVOTES AND HAND-COUNT REQUESTS

All ballot counting devices have a side compartment, sometimes referred to as an auxiliary compartment or side pocket. The primary function of the side pocket is for overvoted ballots.

New Hampshire law requires the ballot counting devices be programmed to reject ballots when a ballot contains more than the allowable number of votes for an office or ballot question. RSA 656:42, XI. This is known as an "overvote." When the machine rejects an overvoted ballot, the voter must be instructed to place the ballot in the side pocket to be hand counted later. If it is an absentee ballot, the moderator or their appointee places the overvoted ballot in the side pocket.

Naturally, voters may ask why their ballot was rejected, or why it is being inserted into the side pocket. Best practice is to tell them that the device could not read their ballot and it will therefore be hand counted. A voter may, however, treat the ballot as a spoiled ballot and request a new one. In that case, follow the process for spoiled ballots (discussed above).

Use caution when interacting with a voter whose ballot has been returned to the voter due to the device reading an overvote. Even if asked by the voter, best practice is to avoid looking at how the ballot is marked to try to find the overvoted race(s). Even if that voter is willing to give up their right to a secret ballot, others hearing or seeing the interaction may view it as election official misconduct.

Other than for overvoted ballots, the side pocket is used for voters who request their ballot be hand counted and for UOCAVA ballots. Any voter may request their ballot be hand counted. RSA 656:42, XII. Voters that request their ballots be hand counted must hand it to the election official manning the device, who will place it in the side

pocket.

UOCAVA ballots must be accepted no matter what paper they are printed on and, accordingly, must be placed in the side pocket.

Ballot Supply Depleted

The clerk must set aside at least one of each page and type of official ballots in use at an election for use to make copies if necessary.

If the supply of official ballots is exhausted, the clerk must first use leftover absentee ballots. The clerk should cross out the word “absentee” and initial the absentee ballot before the ballot clerk issues it to a voter.

If the supply of official ballots and absentee ballots is exhausted, the town or city clerk shall prepare additional unofficial ballots as provided in RSA 659:24 and RSA 658:35. Photocopies must be made of an unused official ballot. Each photocopy is authenticated by the clerk or their deputy clerk, signing their name or initials prior to issuing the photocopied ballot to a voter. A clerk may also use a signature stamp to authenticate photocopies of ballots. Authentication distinguishes any such authorized unofficial ballots from fraudulently created ballots. RSA 659:24. Keep an accurate record of the number of unofficial ballots created and the number put into use as election day ballots. The moderator requires this number for the ballot inventory on the moderator’s Post-Election Certificate.

Generally, use at least ten such ballots. If fewer than ten unofficial ballots are needed, void any procedure that would make the ballot(s) used by the last few voters identifiable. Preserve the right to a secret ballot.

Accessible Voting System – The OmniBallot Tablet

Every city, town, and school district with an official ballot system is required to equip each polling place with at least one accessible voting system. This applies to all elections—federal, state, local, and special elections.

In 2025, the Secretary of State’s Office purchased new AVS devices from Democracy Live called the OmniBallot tablet. The State is responsible and bears the cost for programming state/federal elections, RSA 659:20-b, III(d), while local jurisdictions are responsible for configuring the devices for local elections. RSA 659:20-b, I(b). The programming cost is $650 for each election per jurisdiction.

The Secretary of State’s Office and Democracy Live coordinated in early 2026 to deliver the devices, printers, and all peripherals to all towns and cities, who will store them permanently. They will not be returned to the State, as was done with the prior system.

At the polling place, the OmniBallot tablet must be placed in the accessible voting booth provided by the Secretary of State for that purpose. RSA 658:9, III. This booth is ideally set up near the moderator’s post by the ballot box/ballot counting device to permit the moderator to readily receive the ballot by hand in a privacy sleeve. In addition to the privacy tent, you should also have a table, lamp, and magnifier screen to use with the OmniBallot tablet.

The OmniBallot system must be tested prior to each election. If you are a machine counting device town and you haven't tested your device, you must test them together following the guide to marking a test deck. If you have already tested your device or are a hand count town, then test upon receipt of your marking file and ballots.

Turn on and test the OmniBallot before the polls open. Check the tablet regularly throughout the day. If the screen is dark during an election, the system may have not been turned on as required.

The OmniBallot must be set up and available for use by all voters in all elections. No voter is required to disclose their disability in order to use the OmniBallot. Any voter may use the machine, regardless of disability status, upon request. Do **NOT** ask a voter what disability they have, or why

they need to use the machine. Instructions for the operation, storage and security of the OmniBallot can be found in SVRS Help Instructions.

VOTER REQUESTING ASSISTANCE MARKING A BALLOT

A voter requiring assistance with marking his or her ballot must first declare to the moderator that he or she cannot mark the ballot without assistance. The moderator must make the voter aware of the option to vote privately and independently using the accessible ballot marking system. If the voter nonetheless prefers assistance, the moderator arranges the assistance. The voter may choose the assistance of a ballot clerk or a person of the voter's choosing. However, the voter may not choose the voter's employer or union official. RSA 659:20; 52 U.S.C. §10508.

Both the person requesting assistance and the person providing assistance must then complete the following oaths (a template of the following oaths is available in the appendix):

- The Voter:
  - I, ____, do solemnly swear (or affirm) that I am unable to mark a ballot and require assistance in voting.
- The Individual Assisting the Voter:
  - I, ____, do solemnly swear (or affirm) that in providing assistance to ____ (the voter), I shall mark the ballot as directed by him/her and will not unduly influence his/her decision with respect to selecting any candidate or issue presented on the ballot and that I shall thereafter give no information regarding same.

SETTING UP AN ADDITIONAL POLLING PLACE

Voting procedures at the additional polling place are the same as at the central polling location. RSA 658:33; RSA 658:16. A few other notes:

- Two copies of a certified copy of the supervisor's checklist for the area served by that additional polling place must be given to the clerk before the election.
- On the day of the election, the clerk must bring the copies of the checklist as prepared and certified by the supervisors and deposited with him or her to the additional polling site.
- The clerk is also responsible for providing a sufficient number of ballots for the additional polling place. The preparation of this package is done in the presence of the moderator and selectmen, and it is then delivered to the assistant moderator at the additional polling place by two election officers designated by the moderator.

Timing for Processing Absentee Ballots

Process absentee ballots before any counting of election day ballots takes place. The moderator must announce in a loud voice so that everyone in the hall can hear that he or she is about to begin processing the absentee ballots.

Generally, processing absentee ballots begins at 1:00 p.m. unless the moderator chooses a different time. RSA 659:49, I. Processing of absentee ballots may begin at a different time no earlier than two hours after the opening of the polls. The moderator, or designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. RSA 659:49, II. In addition, when the polls open, the moderator shall announce the time at which the processing of absentee ballots shall begin.

Process any absentee ballots received in the mail, after the start time for processing absentee ballots and prior to 5 p.m. on the day of the election, as soon after receipt as possible. No ballots may ever be hand counted before the polls close: device counted ballots may be inserted into the ballot counting device. RSA 659:49; RSA 659:49-b; RSA 659:50.

Challenge of a Voter

A challenge is the challenge of a voter's qualification to vote. This section will cover who can assert a challenge, when and where it can be

asserted, and how the process works.

Who Can Assert a Challenge?

There are four different types of individuals permitted to submit challenges:

- Any registered voter from the town or ward in question. RSA 659:27.
- Election officials. RSA 659:27.
- A challenger appointed by a political committee. RSA 666:4.
- A challenger appointed by the Attorney General. RSA 666:5.

When and Where Are Challenges Asserted?

Challenges to an in-person voter's qualification occur at the ballot clerk check-in table before a voter receives a ballot. As noted in the layout section above, challengers have a statutory right to see and hear each voter as they check-in. It is therefore important to ensure there is an area for challengers near the ballot clerk table but not within the guardrail. The easiest solution is to place a designated observation area for both general observers and challengers near the ballot clerk table.

Challenges to absentee ballots occur during the processing of absentee ballots. A qualified challenger must make a challenge immediately after the moderator announces an absentee voter's name. As noted in the absentee ballot section, moderators should process absentee ballots in an area where challengers can see and hear. For this reason, it is typically done behind the guardrail but near the observation area.

Permissible Reasons for Challenging a Voter's Qualifications

A person asserting a challenge can do so based on one of several bases:

- The voter is not the individual whose name he or she gave to the ballot clerk;
- The voter already voted in the election;
- The voter is disqualified as having been convicted of treason, bribery, or a willful violation of election laws;
- The voter is not 18 years or older;
- The voter is not a United States citizen;
- The voter is not domiciled in the town/ward;
- The voter does not reside at the address listed for that person on the checklist;
- The voter is an incarcerated felon;
- The voter is attempting to vote in a primary and is not a declared member of that party;
- The voter is ineligible pursuant to some other legal justification under state or federal law.

How Does the Challenge Process Work for In-Person Voters?

A challenger must be a registered voter from the town/ward, an election official, or an appointed challenger with a signed letter from either the party chair or Attorney General. A qualified challenger who wants to make a challenge must notify the moderator and identify the voter being challenged. The moderator must afford the challenger a reasonable opportunity to complete the "Asserting a Challenge" form but may want to discuss the basis for the challenge first.

Instruct both the challenger and the voter to talk directly to the moderator, not each other. In some cases, explaining the law may make a formal challenge unnecessary. Either the voter may learn that he or she should be voting at a different polling place, or the challenger may learn that their basis for challenging is not sufficient or accurate. To the extent necessary, the moderator may ask the voter and the challenger to step aside to allow those in line to proceed with checking in and voting. To proceed with a formal challenge, the challenger must complete the form and swear or affirm, under penalties of perjury, the grounds cited as the basis of the challenge.

If the ground for the challenge (including challenges to absentee voters) is age, citizenship, or domicile, the moderator must ask the supervisors of the checklist to rule whether the challenged voter is either qualified or not qualified.

The moderator rules on challenges based on all other grounds.

If the election official ruling on the challenge finds that it is more likely than not that the challenge is well grounded, the challenged person may vote only if he or she completes and swears to a Challenged Voter Affidavit. Although RSA 659:27 was amended effective November 11, 2024, to remove the ability of a voter to complete a Challenged Voter Affidavit and vote after a challenge is found to be well grounded, a court order struck down that portion of the law. Accordingly, election officials must offer such a voter the opportunity to complete a Challenged Voter Affidavit and vote.

The voter must swear to or affirm the Challenged Voter Affidavit before an election officer, notary public, justice of the peace or any person authorized by law to administer oaths. If the voter signs and properly swears to the affidavit, then the moderator must allow the individual to vote. RSA 659:30. The ballot of a voter challenged in person is not marked. The moderator, at the end of the election, turns all Challenged Voter Affidavits over to the town or city clerk. The clerk preserves the information until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer.

If the challenge is found to be not well grounded, that is the available evidence makes it more likely than not that the voter is qualified to vote, the voter shall be allowed to vote without completing the Challenged Voter Affidavit.

Note that the Challenged Voter Affidavit was previously also used for voters who did not have photo ID. This is no longer the case, as it is now only used for voters who are challenged.

How Does the Challenge Process Work For Absentee Voters?

Absentee ballots are subject to challenge after the moderator publicly announces the absentee voter's name, but not after the moderator removes the ballot from the envelope. The challenger (including election officials) must complete an "Asserting a Challenge" form when challenging an absentee voter's ballot.

If the ground for the challenge is age, citizenship, or domicile, the moderator must have the supervisors of the checklist rule whether the challenged voter is either qualified or not qualified. The moderator rules on challenges based on all other grounds. The moderator shall write the word "Challenged," the name and address of the person making the challenge, and the reason the challenger listed on the "Asserting a Challenge" form on the affidavit envelope. RSA 659:27-a.

The moderator shall number each challenged envelope sequentially, i.e. challenge #1, challenge #2, etc.

If the moderator finds that the challenge is well-grounded and the voter is not qualified to vote, then the moderator does not open the envelope and instead preserves it with the other ballots cast at the election.

If the moderator finds that the challenge is not well-grounded and the voter is qualified to vote, the moderator shall open the envelope containing the ballot, so that the affidavit is not destroyed and proceed first to mark on the reverse side of the folded ballot the corresponding challenge number as marked on the envelope. Then the moderator will process the ballot like all the other ballots that are cast and counted. RSA 659:51.

The moderator shall record next to the name of the absentee voter on the clerk's list of absentee voters the word "Challenged" the name of the person challenging as entered on the Asserting the Challenge" form, the outcome of the challenge and the reason for the challenge. The clerk shall record the applicable information in SVRS. If the absentee ballot is not counted, the rejection reason must be entered. This allows the voter to use the Voter Lookup on the Secretary of State's website to learn that their absentee ballot was not counted and why. RSA 657:26.

Asserting a Challenge Form

The Asserting a Challenge form is in the appendix and can also be found in SVRS Help Instructions.

Electioneering

WHAT IS ELECTIONEERING?

Electioneering means “visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.” RSA 652:16-h. It is prohibited within the polling place building. RSA 659:43, I.

Electioneering has two key components:

- It must explicitly advocate. Examples include: “Vote for [candidate name]”; “Vote yes on 1”; a picture of a candidate or their name; or an uncommon logo associated with a candidate.
- It must be about a subject or person being voted on. That means candidates, issues, or parties that appear on the ballot being voted on in the polling place.

See RSA 652:16-h, I-III for the statutory examples of conduct that constitutes electioneering.

Note: Effective January 1, 2026, RSA 652:16-h was amended to include the following new example of conduct that constitutes electioneering: “organizing or conducting surveys that are expressly or primarily political, meaning that they have a format, questions, or other characteristics that clearly indicate a preference for one or more candidates or political parties in an election or one or more policies that are reasonably anticipated to be on the ballot or otherwise at issue in an election.”

NO-ELECTIONEERING CORRIDOR

The law requires moderators to establish one or more “no-electioneering corridors” that permits voters arriving or leaving the polling place to enter and exit without interruption or interference from folks outside the corridor. RSA 659:43, II. It should also allow a voter, if they desire, to step to the edge of the corridor and speak with individuals electioneering.

The no-electioneering corridor must be no less than ten feet wide and extend from all entrances of the polling place a reasonable distance along the sidewalks or to the parking lot(s).

PREFERRED ELECTIONEERING AREA

The moderator shall designate a preferred area for electioneering, which to the extent practical shall be within sight and conversation-level sound of the primary entrance to the polling place and shall abide by any regulations or ordinances approved by the municipality's governing body pursuant to RSA 31:41-c or RSA 47:17, XIV-a.

CLOTHING ITEMS

A common question relates to wearing clothing and paraphernalia. The law says that wearing such items is electioneering if they display “a candidate's name, likeness, or logo, a ballot measure's number, title, subject, or logo, a political party's name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure.” RSA 652:16-h.

Qualified voters who are eligible to vote or register to vote can wear such items in the polling place if they meet two conditions:

(1) unable to reasonably remove or cover such clothing. The word “reasonable” means “fair, proper, or moderate under the circumstances; sensible.” As this definition indicates, reasonability depends upon context. What is reasonable under some circumstances may not be for others. Ultimately, election officials must make a judgment call.

(2) are actively and expeditiously engaged in the process of registering to vote or while actively and expeditiously engaged in the process of voting. The dictionary defines “expeditiously” as “marked by or acting with prompt efficiency.” Here, that means the voter should be allowed to register to vote, check in, receive, mark, and cast their ballot, and then leave the polling location. As long as the voter conducts this process promptly—i.e., not lingering unnecessarily—they are acting expeditiously.

Upon observing a voter enter the polling place to vote wearing clothing displaying explicit advocacy for or against a candidate or question on the ballot, where the nature of the material and the individual's attire make doing so appropriate, it is reasonable to approach the voter and ask them to remove or cover up the material being worn. The Attorney General's Office has recommended, but the law does not mandate, that local election officials keep spare shirts or inexpensive rain ponchos on hand to offer voters to cover unlawful attire.

However, should the voter assert that he or she is unable to reasonably remove or cover the electioneering communication, the voter must be allowed to register/vote. The proper response if the person is violating the prohibition is to refer the voter to the Attorney General's Office for investigation.

Distributed Materials

Distribution or posting of electioneering communications in any form is prohibited inside the polling place and within the no-electioneering corridor(s). RSA 659:34, VII. That said, this does not prohibit voters inside the no-electioneering corridor from stepping to the edge and speaking with those outside the zone who may be handing out materials. RSA 659:43, II.

People electioneering outside of the no-electioneering zone may also distribute campaign materials. Best practice is to have convenient trash containers inside the entrance to the polling place and outside the exit from the rail, to allow voters to dispose of these materials. Some voters make use of campaign material that recommends how to vote when marking their ballot. Do not prohibit voters from bringing campaign materials with them to the voting booth, provided the voter does not display or distribute the material. Periodically check the voting booths and privacy screens for any electioneering material that may have been left behind.

Signs & Parking

Electioneering signs outside the polling place may not be affixed to the polling place building or grounds. RSA 659:43, V; 664:17. An attended sign is permitted to rest on the ground while under the direct control of the person electioneering. Signs cannot be left unattended. RSA 659:43, VI.

Cars parked at a polling place with electioneering material affixed in such a way that renders the vehicle unsafe or unfit for driving on the road are considered to have unattended signs affixed to public property and must be removed. Law enforcement should assess whether the vehicle with the electioneering sign affixed would be legal and safe to drive on a public way.

Electioneering communications, such as bumper stickers or yard signs, affixed to a vehicle in a manner that leaves the vehicle safe and legal for the highway, parked in the polling place parking lot are permitted by law. Establishing a time limit for polling place parking is the appropriate mechanism to keep all vehicles, including those displaying electioneering messages, from tying up available parking all day or making it more difficult for voters to find convenient parking.

Electioneering by Election Officials

No election official shall electioneer (act to influence voters) while performing his or her official duty. It is a misdemeanor to violate this prohibition. RSA 659:44. Election officials in this circumstance should have a prepared response to questions or comments that avoids saying anything that is designed to influence the vote of any voter, or which would appear to a reasonable third party to be electioneering.

While the law does not strictly prohibit election officials who are not performing their duties from going outside and electioneering in permitted areas during breaks or while off duty, this practice is strongly discouraged. At the least the election official must remove his or her election official name tag and any other indication that he or she is an election official. Election officials who want to

electioneer are strongly encouraged to temporarily step down for the entire election and allow a temporary replacement to perform their election duties.

Closing the Polls

The moderator must punctually close the polls to further voting at the hour stated in the warrant or notice. Everyone waiting in line when the poll closing is announced must be allowed to register and vote. If there is a line of cars waiting to gain access to parking or that are backed up on the road leading to the parking lot at the moment when the polls close to voting, these individuals also are entitled to vote.

The moderator must oversee the determination of who is at the end of the line, if one exists. If, at the moment the poll is closed, a voter is crossing a room or a parking lot to join the line, use common sense and a sense of fairness, and treat the voter as being in line. If the polling place parking lot is full and a line of cars is backed up waiting to gain access to parking, it is necessary to determine who is the last voter waiting in the line of cars at the moment when the polls close. Allow that voter and all ahead of him or her to park and get into the polls to vote. Moderators should enlist the assistance of law enforcement to try to prevent waiting lines of cars and if necessary to identify the final voter in line when the polls close.

Those that arrive at the polling place after the announcement is made that the polls have closed may not be allowed to vote. The door to the polling place must not be locked until the counting of ballots is complete, the results have been publicly announced, and the ballots sealed into boxes for storage.

Voting During Extended Hours

RSA 659:26-a provides that if a court orders that the polls are to be kept open for extended hours, the moderator shall cause the ballots cast during those extended hours to be marked with the letters “EH.” Mark the ballots before giving them to voters. Position the mark to avoid interfering with the marking or counting of the ballots. Make the mark uniform on each ballot. Mark ballots with offices/questions on one side, on the opposite side.

Cast and count “EH” ballots in the usual manner, but separate and place in a marked envelope/binder apart from the other ballots when stored. In the unlikely event extended hours are ordered, but a court later determines that people should not have been allowed to vote during extended hours, a court can order these ballots retrieved from storage, counted, and the votes cast removed from the totals for that election. RSA 659:26-a.

Social and Civic Activities in the Polling Place

The Attorney General’s Office reports a common complaint is that activities, other than voting, occur within the building where voting is taking place. Allegations are that the activity constitutes illegal electioneering. It is strongly recommended that voters have a path starting in the parking lot and leading to and from the railed-in voting area that they can pass through without having to go around or avoid other activities. This path should be free from both electioneering activities and civic or social activities.

There is a longstanding practice in New Hampshire of allowing civic and social activities to occur within the building and room where election officials conduct voting. Many moderators allow bake sales, meals for election workers, public displays by 4-H or scouts, and/or public information displays on issues not before the voters at the election, in the room where voting occurs.

Townspeople, town officials, the media, and others often congregate in the public area outside the rail to observe the voting process, discuss current events, and socialize.

Particularly during elections that occur during the cold season or on days with inclement weather, moderators often will allow even those people actively involved in electioneering outside the building to come into the room where voting is occurring to warm up in the public areas outside the rail. Moderators must require that signs and other electioneering displays be attended and left outside.

The law does not explicitly prohibit civic and social activities, but the moderator has a responsibility to ensure that these activities do not have the effect of electioneering or of discouraging voting.

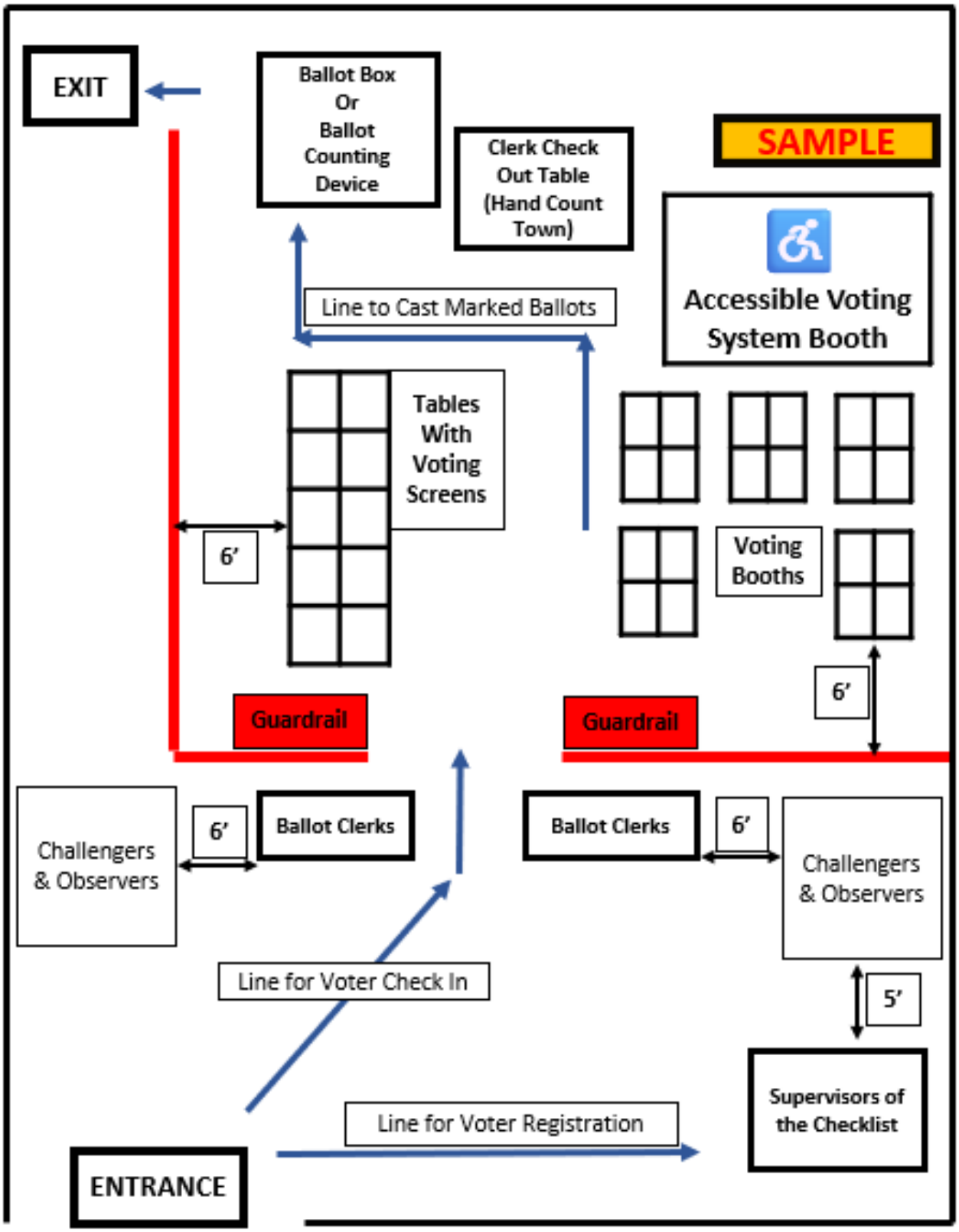
The moderator shall not allow such activities in the path into and out of the railed voting area. A voter must be able to come to the polling place, cast his or her vote, and leave without having to avoid or turn away from those involved in these activities.

Ideally, all such activities would be located away from the primary path in and out of the voting area such that a voter has a choice of going to the bake sale, Girl Scout cookie table, or of joining the discussion around the coffee table, but also can exit the polling place without doing so.

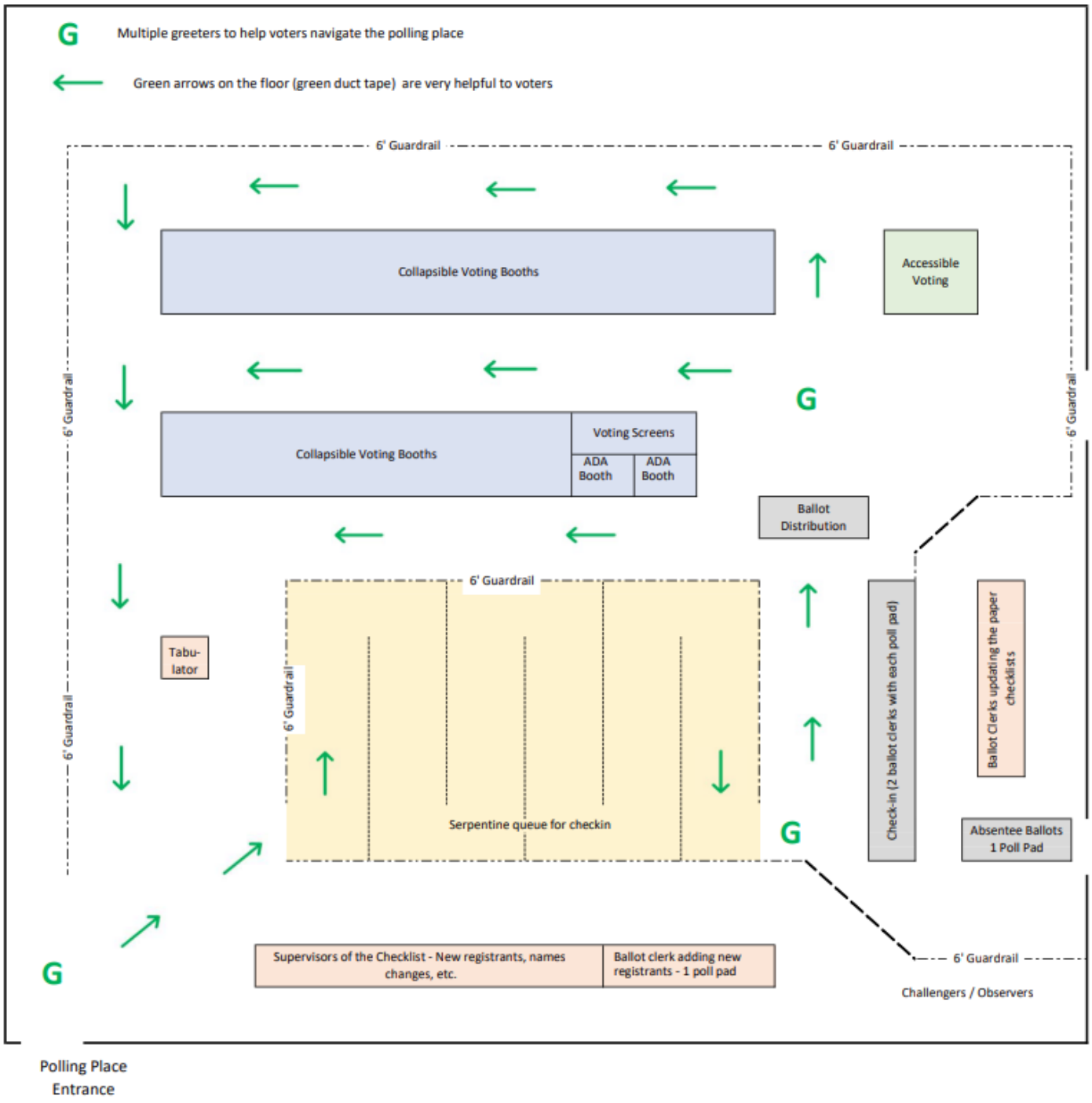
Moderators should exercise caution when allowing any kind of activity that involves public education or displays of information on issues of public interest/concern. Extra caution must be exercised if a moderator allows petition or letter signing drives to occur in the room where voting occurs.

The best practice is to limit activities in the room where voting occurs to registering, voting, and observing the election. Even where activities are not explicitly prohibited, often the participants are local residents who are politically active in the community and who are therefore associated with particular candidates or issues coming before the voters. The association between these individuals, particularly if they are candidates on the ballot, and the issues they are advocating for often will raise complaints of electioneering. While they are unlikely to constitute an actual violation of the law because they do not constitute explicit advocacy, the moderator's broad authority to govern the election permits limiting all activities in the room. Best practice is to allow such activities only in the zone outside the building where electioneering is permitted or in a room separate from the room used for voting or walking to and from the building entrance.

Traditional Polling Place Layout



Electronic Poll Book Polling Place Layout



V. Election Night

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How to Set Up Polls for Counting

Once the moderator has announced that the polls are closed and the last voters who were waiting in line to register or vote have had the opportunity to vote, the moderator should immediately proceed to set up the voting area for the counting process. RSA 659:60.

Permit no person, other than an election officer, to be within four feet of the counting. It is important to remember that the counting process is public. The public has a right to watch, but not to be where they can touch any ballot. The minimum mandatory distance of four feet means that observers are not entitled to see how each individual ballot is marked. The opportunity for observers to see how each individual ballot is marked is available only at a recount. The tables should be drawn together to afford the election officers ample room to spread out the ballots for counting. RSA 659:63.

Counting the Ballots and Tabulating the Votes

The moderator is responsible for supervising the counting of ballots. New Hampshire Constitution, Part 2, Article 32. The moderator for a polling place that uses a ballot counting device makes the decision on how ballots that require hand counting are to be counted. In towns that have not adopted the use of ballot counting devices, the moderator makes the decision on how all ballots will be hand counted. Each moderator must devise a system for counting ballots that is accurate and will expedite the process.

The town clerk, selectmen, and other election officials should participate in the counting process as directed by the moderator. RSA 659:60. Swear in everyone used to count ballots, who has not already taken an oath of office.

“Tabulation” is different than counting. Tabulation means the aggregation of results from the printed results from the ballot counting devices and from hand counts, including determining who received write-in votes.

As covered more in depth in the Election Officials Section, any election officials who are candidates for non-election official positions cannot remain in the area designated for the counting of ballots for which he or she is a candidate for a non-election official position. RSA 659:58. When an election officer is disqualified, the moderator appoints an assistant, who must take the oath of office, who would fulfill any duties regarding tabulation of votes.

A disqualified election official can still participate in other ways, and they are still allowed within the guardrail (just not the area where the ballots are being counted). They could clear voting booths of signs, pack away voting privacy screens, or assist with counting the number of voters marked on the checklist as having voted or inventorying unused ballots.

Counting the Ballots at Additional Polling Places

Ballots may be counted at an additional polling place if the moderator for the town or ward has authorized such beforehand and in writing. In this case, the assistant moderator with the assistant clerk and other additional polling place election officers may tabulate the votes at the additional polling place. RSA 659:59.

After tabulating the votes at the additional polling place, the assistant moderator must place and seal the counted ballots back in the ballot box or into ballot storage boxes. This process must be certified by the clerk and witnessed by the ballot clerks. Seal the duplicate checklists, cast ballots, spoiled ballots, and unused ballots in a separate box. Deliver the written report of the tabulation, signed by the assistant moderator and assistant clerk, with the sealed ballot box(es) to the moderator at the central polling place. RSA 659:59.

At the central polling place the ballot box(es) will be unsealed and the checklists removed to be used as needed to reconcile the aggregated results from the two polling places. After the aggregated results are finalized and announced, the ballots used at the election are sealed in the same manner as those used at the central polling place. Keep the checklists, tally sheets, and any other records from the additional polling place with their counterparts from the central polling place for use by supervisors and the clerk after the election.

If the moderator does not authorize counting ballots at the additional polling place, then upon the close of the polls to voting, the assistant moderator must close the ballot box and seal it in the presence of the election inspectors. He must then seal the duplicate checklists together with the spoiled and unused ballots in a separate box. The assistant clerk certifies that the process is properly completed. Two designated election officers, one from each of the two major political parties, return these materials to the moderator at the central polling place. RSA 659:62.

The moderator at the central polling place then proceeds to count the ballots from the additional polling place.

Announce the final tabulation of all votes from a town or ward as a single total, regardless of where the counting takes place.

Printing the Results Reports

For state elections, towns and cities that use electronic ballot counting devices are required to print and forward a paper copy of the “results report” to the Secretary of State. RSA 659:75. The results report is a report generated by the counting device that tallies the total number of ballots run through the machine.

Each ballot counting device—Accuvote, VotingWorks, and Frontier electronic ballot counting devices—have different processes for printing the results. Consult your ballot counting device manual and/or other resources offered by your vendor.

Guidance regarding the type and number of reports from each type of ballot counting device is available in SVRS Help Instructions. Overall, print at least four copies of the final results report:

- One to be kept by the clerk as a public record;
- One to be kept by the moderator to use if questions arise regarding the results;
- One to be sent to the Secretary of State along with the Return of Votes; and
- One to post publicly.

Documents generated during the tabulation of votes shall be available for public review when the election results are announced at the polling place. The moderator must ensure the integrity of these

records, either by closely monitoring the records during their review by the public, or by making and providing photocopies for public review.

Results Reports Posted Within 60 Minutes

At polling places that use a ballot counting device, the printed results from the ballot counting device shall be posted for public review at the polling place within 60 minutes of running the last ballot through the ballot counting device(s). Print an extra copy from each device for this purpose.

If the counting and tabulation process is not yet complete at this moment in time, best practice is to announce and post a notice with the posted record that it contains only partial results and may not reflect the final outcome of the election. If the counting and tabulation process is complete, best practice is to post the results tape/report with the final election results in a manner that clearly shows what results came from the device, what results came from hand counting, and the final results.

How to Count Write-Ins

Towns and cities that use electronic ballot counting devices are now permitted to use printed or digitally displayed images of all write-ins to count them. RSA 659:64-a. It must be done in the presence of at least one other sworn-in election official.

Best practice is for one election official to view the write-in image, announce the name for whom the vote appears to have been cast, wait for the second election official to confirm, and then allocate the vote to that name once confirmed. If possible, these two election officials should be from different political parties.

For state elections, keep a copy of the printed/digital images of all write-in votes in case there are questions regarding the return of votes. RSA 659:64-a. These copies are non-public and must be stored and used in a manner that limits the risk of exposing the candidate written in by any voter.

Undervotes and Overvotes

It is required to have counting teams record the number of undervotes and overvotes for each contested office or question.

An undervote is when a voter votes for fewer choices than were available to the voter for a given office. For example, voting for only one candidate when the instructions for the office say “vote for up to 2; 2 will be elected.” In the event of an undervote, the vote is legally counted as one vote for the chosen candidate. In the event of an undervote, the voter in effect abstains from voting for the second seat and that abstention counts as one undervote for that race.

An overvote is a circumstance when a voter votes for more names than there are persons to be elected for an office. For example, voting for three candidates in a State Representative District that has two Representatives (the ballot would say “Vote for up to 2; 2 will be elected”). When a voter overvotes a race, their ballot shall be regarded defective for that one office only, and the overvoted votes shall not be counted for that office. For more discussion of how to analyze overvotes, see the Duties of Moderators Section.

What Constitutes a Legal Vote

The overriding consideration of how to count a ballot is the voter's intention. Determining the intention of a voter ultimately requires a commonsense judgment by the election officials. Remember: a core purpose of our election laws and their application is to enfranchise as many qualified citizens as possible and to accurately count their votes whenever possible. RSA 659:64.

1. Focus on the Intent, Not Technicalities

The New Hampshire Supreme Court has emphasized that the determination of what counts as a legal vote “should not be decided on the basis of unwarranted technicalities.” Appeal of McDonough (Ballot Law Comm'n), 149 N.H. 105, 112, (2003).

For state elections, although the ballots direct voters to “completely fill in the oval,” failing to do so does not necessarily invalidate a ballot. Ultimately, as noted above, one must attempt to determine the voters’ intent.

That also applies to local elections. Although instructions will vary, the law provides that “every ballot shall be counted if the intent of the voter can be determined, regardless of whether the voter followed any instructions relative to marking the ballot provided before the vote.” RSA 40:4-g.

2. Valid Voting Marks

Count any mark that makes it more likely than not that the voter intended to fill in the oval as a vote for that candidate or choice for a question, unless there are contradictory marks. Here are some common situations and how to resolve them:

- If a cross "X" is marked on a ballot in an imperfect manner, count it if it is possible to determine the intention of the voter from the mark.
- The mark also is valid outside the oval or square if it is near enough to the oval/square or in line with the name such that it indicates the intent of the voter.
- A double cross, overlapping Xs, is valid if it is distinguishable from an attempt to obliterate a choice on the ballot.
- Cross marks or filling in ovals are a directive of the law. The uniform use of a mark other than "X" or completely filling in an oval is a valid marking of the ballot. The shape of the mark may change somewhat or be somewhat irregular and still be considered uniform and therefore valid.
- When there is a different kind of mark (i.e., a ballot marked with checks and crosses intermingled) the marks may be valid.
- Erasures and obliterations: when two candidates have marks and one of the marks is erased or obliterated, the ballot counts for that office only if the erasure or obliteration is complete.
- When examining a questionable mark, look at how the voter has marked other races or questions. The pattern of marking used in other areas of the ballot may reveal the intent of the voter.

3. Other Notes

If there is a question concerning the vote on a ballot for a particular office, only the vote for that office shall be affected, and the rest of the ballot must be counted. If a voter votes for more names than there are persons to be elected to that office (an overvote), his ballot shall be regarded defective for that one office and the vote(s) shall not be counted for that office. Treat the ballot as if the voter, for that office or question, did not vote for any candidate or for either choice of a question.

Verifying the Results

Prior to announcing the voting results, recheck totals for any obvious tabulation error. Verify there are no missing or double counted tallies done by one counting team or hand count results added to device count results. Compare the vote totals for each office or question against the total number of persons checked off on the checklist as having voted. Also compare the vote totals to the total number of ballots used (ballot inventory and/or count of cast ballots). Refer to the Post-election Certificate on page 261.

The best way to look for discrepancies is by using the “sum of all votes” calculation. The sum of all votes is the vote total combining votes for all candidates for an office (including undervotes/blanks and overvotes). Check to see if the sum of all votes is larger than the number of voters who voted (counted from the checklist), or the number of ballots used from the ballot inventory and/or a count of the cast ballots. If the vote totals exceed either number, the results are facially inaccurate and, if possible, that discrepancy must be resolved. To avoid obvious mistakes, adopt verification practices using the Post-election Certificate.

Many moderators ask someone with an accounting or bookkeeping background, for example their Town Treasurer, to assist with the

final verification. Bring in a fresh set of eyes to check if the numbers make sense before finalizing and announcing the results.

End of Night Paperwork

After all state election ballots have been counted, the moderator and clerk must complete end of night paperwork. Some must be completed on election night, while others may be completed later.

On Election Night

- The moderator must complete the Return of Votes; and
- The moderator and clerk must certify the checklist.

Upon completing the Return of Votes, the moderator should post a copy of the results. It must then be submitted to the Secretary of State's Office that night. The Pre-Election Certificate must also be returned with the Return of Votes to the Secretary of State's Office on election night.

DO NOT seal these documents up with the ballots used at the election.

Post-Election Day

After the polls close, the moderator must complete the Names on Checklist form provided by the Secretary of State's Office. Within 48 hours after the polls close, the Names on Checklist and Post-Election Certificate must be sent to the Secretary of State's Office and clerk. The Secretary of State's Office can, however, request that these documents be sent earlier than 48 hours. RSA 659:73, III-IV.

The clerk must keep a copy of the Return of Votes, Pre and Post-Election Certificates, and Names on Checklist. The clerk should also keep other tally sheets and reconciliation worksheets in case there are questions.

Within seven days of submitting the Election Return Forms, the clerk shall post them in two places where the municipality regularly posts notices of its governing body meetings, which could include the website or social media accounts. RSA 659:73, VII. Post them for at least 30 days.

Securing the Ballots

The Secretary of State will provide containers for ballot storage only for state elections. Local officials should make certain that they have suitable containers available for preserving ballots after any local election. RSA 659:95; RSA 659:97.

Labels & Sealing

The first step is signing the resealing label. It must be signed by the moderator and selectmen or their designees.

After doing that, securely seal each container. First seal up all sides of the box with filament tape. Second, stick the official "Label for Resealing Ballots" on the box. Third, use the red security tape to make a tape seal around the entire box and along the edge of the label. Then tape down the ends of the label with two short strips of the red tamper-evident tape.

This red security tape will change its appearance if it is pulled loose after being stuck to the box. This "tamper-evident" tape is intended to prove that the box of ballots has not been opened between being sealed on election night and being opened at a recount or a court hearing.

DO NOT seal the following information in the sealed boxes with the ballots or absentee voting materials:

- Marked checklists;
- Return of Votes;
- Pre-election Certificate;
- Post-election Certificate;
- Tally sheets;
- Ballot Counting Device Zero Tape/Polls Opened Report;
- Ballot Counting Device Results Tape/Polls Closed Report;
- Challenged Voter Affidavits;
- Returned to Undeclared Checklist/Forms
- Absentee Ballot Lists; or
- Any other documents that may be needed later.

The Secretary of State will provide containers for ballot storage only for state elections. Local officials should make certain that they have suitable containers available for preserving ballots after any local election. RSA 659:95; RSA 659:97.

The moderator and selectmen or their designees should deliver the ballots in their sealed container to the town or city clerk. The clerk shall subscribe upon the label the hour when he or she received the ballots and sign his or her name in the place provided. RSA 659:98.

Effective January 1, 2027, the Secretary of State Official is required to provide to each town and ward clerk secure, durable, reusable, transportable, stackable, and marked containers to be used for preserving ballots with locks, tamper evident sealers, and registration or serial numbers for each marked container. The Secretary of State's Office will provide updated guidance at the time these containers are provided to each town and ward.

Spoiled & Unused Ballots

The moderator should save all spoiled and uncast ballots and seal them into the container designated for ballots. The rejected (unopened) absentee ballot envelopes, any challenged (opened or unopened) absentee ballot envelopes and all other Absentee Voting Materials must be sealed in the containers designated for absentee voting materials.

Do not seal the clerk's list of absentee ballots, tally sheets, the moderator's work sheet, or other work papers used to aggregate the election results in either set of boxes.

Retain and preserve these materials in accordance with the laws governing the retention, preservation and destruction of ballots. RSA 659:101; RSA 33-A:3-a. *See* the retention chart in the appendix. In the event of a recount, send the opened (empty) absentee ballot envelopes to the Secretary of State along with the ballots. All boxes, both red and blue labels, must be turned over to the Secretary of State if ballots are picked up for a recount.

Any absentee ballot envelopes received by the clerk after the election must be entered into SVRS, as rejected received after the election, sealed in a container (which can be a state box or a large manilla envelope), and turned over to the Secretary of State with the ballot boxes. If additional absentee ballot envelopes are received after the Secretary of State picks up ballots for a recount, the clerk must enter them into SVRS as rejected, secure them in a container, and when it appears no more will be received, seal the container and place them into ballot storage. Destroy them after the retention period ends.

Delivering Ballots

The moderator and selectmen or their designees should deliver the ballots in their sealed container to the town or city clerk. The clerk shall subscribe upon the label the hour when he or she received the ballots and sign his or her name in the place provided. RSA 659:98.

Storage of Sealed Ballot Boxes

Clerks must store the ballot boxes in the town or city hall. RSA 659:98. Because the law only permits the clerk or individuals working under the clerk to access the sealed ballots, they cannot be stored in areas that other town/city departments have access to. They must be stored in a space that is exclusively for the town clerk. Alternatively, you can modify a shared storage space to secure it so that it is only accessible to the clerk.

It is important not to break the seals or otherwise change the condition of the boxes. Clerks must maintain a log specifying the storage location, including what boxes are stored there. Instructions on ballot box storage and the chain of custody log can be found in SVRS Help Instructions. Once stored, only clerks, individuals working under them, and the Secretary of State are lawfully allowed to access the boxes.

Clerks will also need to secure and log the box used for unopened absentee ballot return envelopes that are received after the election.

Make a log entry showing a box (or envelope) that is being used to securely hold returned absentee ballot envelopes. This box may be kept in a different location, for example a secure place in the clerk's office, from where the other sealed boxes of ballots are stored.

If your ballots are picked up for a recount, ensure all absentee ballot envelopes received after the election up to the time when the pick-up occurs are secured in a sealed box, documented in the log, and turned over to the Secretary of State's staff making the pickup.

In that event clerks will need to start an additional container to securely store returned absentee ballot envelopes that arrive after the Secretary of State's Office makes the pick-up. When it is unlikely that any further absentee ballots will be returned, the secure container must be sealed with an election night seal, the entry made in the log updated, and the sealed box secured in accordance with this law.

Refer to the retention chart in the appendix for the time period for storage of ballots. Once the period has passed and the clerk proceeds to destruction of the ballots, said destruction shall be the final entry on the log.

VI. Post-Election Day

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Certifying the Winners

Following a primary election, the Secretary of State will directly notify all persons who won a nomination by write-in. RSA 659:89. Following a state general election, the Governor for federal offices and the Secretary of State for state and county offices will issue a certificate of election after the time for any recount has passed. RSA 659:84.

Preservation of the Checklist

Within 90 days of the closing of the polls after each state general election and a presidential primary, the supervisors must forward one original marked check-in checklist used at the election to the State Archives in Concord. RSA 659:102. Note that this law does not apply to the state primary or local elections.

The clerk shall also preserve a copy to be available for at least seven years as a public record at the clerk's office. RSA 659:102; RSA 33-A:3-a, CXL. Names of voters who registered to vote and who voted in any state primary or state general election shall be included on the checklist and marked as such by the supervisors. Those voters shall be included on the voter checklist and database of registered voters for all future federal, state and local elections, so long as they are qualified to vote in these elections. RSA 654:7-b.

After every election, state or local, the town or city clerk must preserve a marked copy of the checklist as a public record for a period of at least seven years. *See* the retention chart in the appendix. RSA 659:102; RSA 33-A:3-a.

Scanning/Batching A Voter's Voting History

Immediately after each election—including town, school, and village district elections—the supervisors of the checklist are required to scan/batch what is called "voting history" into SVRS. This is done by scanning the bar code on the checklist. This accomplishes two purposes. First, it preserves a voter's history so that they are not removed during the annual verification process (the process in which voters are removed if they did not vote in an election in the last five years or were not added since the last state general election). Second, the Secretary of State is required to provide political parties, political committees, and candidates for county, state, or federal office who purchase lists of registered voters, with each voter's history including each "municipal election" for the preceding two years. RSA 654:31, IV.

Where school elections are held simultaneously with town elections, it will be necessary for the clerk to include the school district in the name of the election. Where school district or village district elections are held on a separate date from the town election, the supervisors and the clerk must collaborate to enter the election into SVRS. The supervisors must scan or enter the history of the voters who participated in the school or village district election into SVRS immediately after an election.

For more information on how to scan/batch voting history, see the Duties of Supervisors section.

Preservation of Ballots and Related Materials

Ballots, absentee ballot applications, absentee affidavits, absentee ballot lists, and challenged voter affidavits must be retained by the clerk:

For federal elections, until the contest is settled, and all appeals have expired (or investigations are complete) or at least 22 months after the election, whichever is longer.

For non-federal elections, until the contest is settled, and all appeals have expired, or at least 60 days after the election, whichever is longer.

Preservation of Programmed Ballot Counting Device External Storage Devices

House Bill 270 (2025) made two key changes in relation to electronic ballot counting device programmed external storage devices. First, when a clerk receives the programmed storage devices from the vendor, the law now requires them to lock any freestanding ones— meaning not plugged and appropriately sealed into the ballot counting devices—in a safe. The dictionary defines the word “safe” as “a place or receptacle to keep articles (such as valuables) safe.” This could include traditional safes, locked filing cabinets or desks, or fireproof safes. The clerk must also maintain an activity log that lists the “who, what, and when” regarding access to the safe. The activity logs will be available in SVRS. Note that they are public documents just like activity logs for sealed ballot boxes.

Second, the programmed external storage devices must now be retained after all elections, stored with the sealed ballots, and recorded on the sealed ballot boxes chain of custody log. For federal elections, store them for 22 months (or until the contest is settled/appeals have expired). For all other elections, store them for 60 days (or until the contest is settled/appeals have expired). Extra electronic ballot counting device external storage devices programmed for, but not used, during the election are exempt from preservation.

House Bill 1298 (2026) added the requirement that, after the retention period, programmed external storage devices must be disposed of either by physically destroying the device or securely erasing all election-related data (election programming, vote tallies, and digital images).

Part II: Responsibilities of Election Officials by Office

Election Officials: Oaths, Disqualifications, Vacancies, and Incompatibility

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Who is an Election Officer?

"Election Officer" shall mean any moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar. RSA 652:14.

Moderator

A moderator is elected for a two-year term at the annual meeting/election. The town election of a moderator happens every even-numbered year in towns, and every other regular city election in cities. RSA 40:1; RSA 44:12. A town's local legislative body may adopt a three-year term for moderators. RSA 41:1-a (2026).

Town Clerk

Town clerks are elected for a one-year or three-year term, depending upon which option the town voted to enact. RSA 41:45-a; RSA 41:2-a; RSA 41:16-a; RSA 41:26-b.

Selectmen

Selectmen are elected for a three-year term at the annual meeting. RSA 41:8 to 8-e.

Supervisor of the Checklist

Supervisors of the checklist are elected for a six-year term, one elected every even numbered year. RSA 41:46-a. A city or town's local legislative body may adopt a three-year term for supervisors, electing one each year over a three-year cycle.

CITY ELECTION OFFICIALS

City Charters and special legislation (chapter laws) sometimes establish different election law provisions for cities as compared to towns. City election officials should consult with your city clerk and/or city legal counsel to identify where the election law is different for your city.

City government operates under the home rule powers recognized by the New Hampshire Constitution, Part 1, Article 39, of the New Hampshire Constitution. To that end, the general court has provided cities with the authority to adopt charters. Within statutory limitations intended to ensure uniform procedures and practices, charters allow cities to adopt a form of government that best addresses local needs. RSA 49-B:1. Therefore, each city in the state has variations in its charter. City election officials, their terms of office, duties and titles may differ from those in towns.

Typically, city election officials include a city clerk and, in each ward, a ward moderator, a ward clerk, three ward selectmen, a checklist board of supervisors or, in some cities, registrars and deputy registrars. Not all cities have each type of official.

HOW CITY ELECTION OFFICIALS ARE CHOSEN

City Clerk: Unless a city charter provides otherwise, the city council elects the city clerk. RSA 48:2.

Ward Clerks, Ward Selectmen, Ward Moderator: Shall be elected in each of the wards, and shall have the powers, perform the duties, and be subject to the liabilities of those offices in towns, so far as it relates to the warning of meetings, conducting elections, counting and declaring votes, and all other matters relating to elections. RSA 44:12.

The equivalent of the Board of Supervisors of the checklist of a town are called Registrars of Voters in some Cities. Registrars are chosen in the manner prescribed by the city charter and have the authority granted by the charter.

The city clerk is required to establish uniform procedures to be used at all polling places in the city. The other city election officials are required to follow the procedures established by the city clerk. The legislative body may assign the selection and equipping of polling places to the city clerk. RSA 652:14; RSA 659:9-a.

Swearing in Election Officials

The moderator, town clerk, one of the selectmen or a justice of the peace may administer the oath of office. RSA 42:2. Use the oath of office contained in Part 2, Article 84 of the New Hampshire Constitution. A blank copy of the oath can be found in the appendix and in SVRS Help Instructions.

The law is explicit that no person chosen or appointed to a public office where an oath is required can take that office until they perform the oath. RSA 92:2; RSA 669:9.

Inspectors of Elections (ballot clerks) and any assistant or pro tempore election officials appointed to assist at elections must also take the oath of office before engaging in the duties of their position. RSA 658:4; RSA 658:7; RSA 658:23. For assistant election officials, their term of office expires when the election for which they were appointed ends. RSA 658:8.

MANNER OF DISMISSAL – BREACH OF CONFIDENTIALITY

The Superior Court may dismiss a town officer who violates his or her oath of office. A party seeking dismissal of a town officer must file a petition with the Superior Court. In addition to other violations of the oath of office, a town officer may be dismissed for the improper disclosure to the public of certain confidential information which that officer learned by virtue of his or her public office. RSA 42:1-a; RSA 91-A:3; RSA 91-A:5; RSA 92:2.

Taking Office

Except as otherwise provided, the term of any town officer elected shall begin upon his or her election and qualification for office and shall end

upon the election and qualification of his or her successor. RSA 669:10, I; RSA 41:3.

No person shall assume a town office until after the time period for requesting a recount is over, except where a person is elected to an office where no other person was a candidate on the ballot for that office and no write-in candidate received 5 percent or more of the votes cast for that office. Such persons may be sworn in after the results are declared from the election and the annual business meeting has ended or at any time thereafter provided the oath is taken by the deadline established by RSA 42:6. In all other cases, if a recount is requested, no person shall assume that office until the recount is completed. RSA 669:10, II.

A person declared elected at the election whose election is affirmed by the recount may take the oath of office and assume office at any time following declaration of the results of the recount.

When a different person is declared elected following the recount, if no appeal is taken, that person may take the oath of office and assume office on the sixth day following the date of the recount. If a different person is declared elected following the recount, and an appeal is taken, that person may not assume office until the superior court has issued a final ruling on the appeal. The person holding the office prior to the election shall continue to hold the office until a successor is declared elected by the superior court and the person declared elected by the court takes the oath of office. RSA 669:34.

Disqualification of Election Officials

Two statutes govern disqualification of election officials in certain circumstances, RSA 659:58 and RSA 658:24. Together, these statutes provide that:

- All election officials and inspectors of election who are on the ballot seeking only an election official office may perform their election official duties.
- A person who is not a moderator, clerk, selectman, inspector of elections, or supervisor of the checklist, whose name appears on the ballot for an office other than as an election official, is disqualified from performing duties as an election official in that election. For example, a candidate for State Representative cannot serve as a deputy moderator, assistant clerk, or ballot clerk.
- A person who is a moderator, clerk, selectman, inspector of elections, or supervisor of the checklist and is on the ballot seeking a non-election official office is disqualified from handling marked ballots and the tabulation of votes. All such election officials may be within the guardrail during vote counting except for the specific area within the guardrail that is designated for vote counting.
- The “tabulation of votes” includes the counting of votes, whether hand counting ballots or the printing of the ballot counting device results tape; the aggregation of results from the tapes and hand counting; and reconciliation. Duties “not related to the tabulation of votes” includes clearing voting booths of signs, packing away voting privacy screens, assisting with counting the number of voters marked on the checklist as having voted, and inventorying unused ballots.
- An Inspector of Election (Ballot Clerk) whose name is on the ballot for any office is not disqualified from serving as a ballot clerk but may not handle marked ballots or count ballots.

When an election officer is disqualified, the moderator appoints an assistant, who must take the oath of office and fulfill any duties regarding tabulation of votes.

Any election official whose name is on the ballot for any office who does not voluntarily recuse himself or herself from performing their election duties, must exercise due care to avoid electioneering while in the performance of his or her duties. RSA 659:44 makes it a misdemeanor for an election officer to electioneer while in the performance of official duties. Election officials in

this circumstance should have a prepared response to questions or comments that avoids saying anything that is designed to influence the vote of any voter, or which would appear to a reasonable third party to be electioneering.

Vacancies in Election Offices

A vacancy in public office occurs when a person:

- Dies, resigns or ceases to be domiciled in the state or district from which he was elected. RSA 652:12, I. Any elected or appointed official for whom one of the qualifications for his or her position is eligibility to be a voter in the area represented or served, shall be considered to have resigned if the official moves his or her domicile so that he or she can no longer qualify to be a voter in the area represented or served. RSA 654:1.
- Is determined by the court to be insane or mentally incompetent. RSA 652:12, II.
- Is convicted of a crime which disqualifies him or her from holding office. RSA 652:12, III. A person convicted of a felony, from the time of his or her sentence until his or her final discharge, may not seek the nomination of a political party or become a candidate for or hold public office. "Final discharge" means the release of a prisoner from incarceration. A person who is on probation or parole shall be considered to be finally discharged for the purpose of this section. A public office held at the time of sentencing is forfeited as of the date of the sentence. RSA 607-A:2.
- Fails or refuses to take the oath of office within the period prescribed in RSA 42:6 or to give or renew an official bond if required by law. RSA 652:12, IV. This would include a situation where a person is elected to office, but subsequently concedes that he or she is not qualified to hold office and for that reason fails or refuses to take the oath of office. It also includes a circumstance where a person is elected to office by write-in votes and chooses not to serve.
- Has his or her election voided by a court or Ballot Law Commission decision. RSA 652:12, V.
- If a State Representative or State Senator is a member of the military reserve or National Guard and is unable to perform his or her legislative duties because of military service, as determined by the House for House members and the Senate for Senators, for more than 180 consecutive days and the selectmen from any town the Representative or Senator represents requests that the Governor and Council declare the office vacant. RSA 652:12, VI.
- The Superior Court has dismissed an officer pursuant to RSA 42:1-a.

Temporary Absences

A vacancy must not be confused with a temporary absence. A temporary absence means that a certain official, still qualified to hold a position, is sick, out-of-town, or otherwise unable to perform his or her duties for a certain time period.

Fill temporary absences among election officials using the provisions of RSA 658:19 through RSA 658:23. Fill vacancies in town offices as provided in RSA 669:61 through RSA 669:75. People serving in the absence of an official serve only until the officeholder returns to service. People appointed to fill vacancies serve until the next annual town election when a person is elected to fill the unexpired term, unless otherwise stated in law. The term of a person appointed to fill a vacancy varies by office, check the statute for the specific office to determine how long the appointee will serve. RSA 669:61; RSA 658:24; RSA 659:58. For certain offices, such as Trustee of the Trust Fund or Highway agent, the appointee serves the remainder of the unexpired term. RSA 669:73; RSA 669:74.

Town Office Vacancies

Whenever a vacancy occurs in any elected town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term

ending upon the election and qualification of his or her successor, unless otherwise provided. At the next annual town election, unless otherwise provided by law, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. Any vacancy which occurs between the beginning of the filing period and the town election shall not be filled by official ballot until the annual town election the following year. RSA 669:6, I-III; RSA 669:61.

A town may choose to adopt or rescind an alternative procedure for filling vacancies. Under the alternative procedure, if the authorized person or body does not make an appointment to fill the vacancy pursuant to RSA 669:61, I within 45 days after at least one legally-qualified person has applied in writing for such appointment, then upon the filing of a petition with the selectmen signed by the number of voters required under RSA 39:3 for the warning of a special town meeting and presented not less than 90 days before the next annual town meeting, the selectmen must call a special election to fill the vacancy. The special election is subject to the provisions of RSA 39:3 and other applicable provisions governing town elections. The person elected at the special election serves for a term ending upon the election and qualification of his or her successor. RSA 669:61, IV.

TOWN MODERATOR VACANCY

The supervisors of the checklist will appoint someone to fill a vacancy for town moderator. If there is no board of supervisors, the town selectman will appoint someone to fill the vacancy. RSA 669:62.

SELECTMEN VACANCY

The remaining selectmen fill a selectman vacancy. Whenever the selectmen fail to make such appointment, the Superior Court or any justice thereof, on petition of any citizen of the town may appoint a suitable person. If the town has adopted the provisions of RSA 669:61, IV, and a petition is submitted thereunder before a petition for appointment by the Superior Court is submitted, the alternative appointment procedures established in RSA 669:61, IV will apply. RSA 669:63.

SUPERVISOR OF THE CHECKLIST VACANCY

The remaining supervisors fill a supervisor of the checklist vacancy.

The vacancy must be filled within 45 days. If there is only one member or the entire board is vacant, or the remaining supervisors fail to fill the vacancy with 45 days, the moderator shall make the appointments. If the supervisors are elected by the partisan
ballot system, the appointee shall be of the same political party as the supervisor whose place he or she is filling. RSA 669:64. Currently, no New Hampshire towns use the partisan ballot system; therefore, appointees may be from any party. RSA 669:64. Vacancies in the office of a city registrar would be filled in the same manner unless the city charter makes some other provision for filling the vacancy. Who Fills The Vacancy For Town Clerk?

The selectmen fill a town clerk vacancy, except in towns where pursuant to RSA 41:18, the clerk, with approval of the selectmen, has previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual meeting. RSA 669:65.

TOWN CLERK – TAX COLLECTOR VACANCY

If a town clerk tax collector vacancy occurs, the deputy provided for in RSA 41:45-c shall discharge the duties of the town clerk - tax collector until the selectmen fill the position within 30 days. RSA 669:66.

INSPECTOR OF ELECTIONS VACANCY

Political committees or town and ward selectmen may designate a list of alternates who shall meet the same qualifications as inspectors of elections, to be called in numerical order to serve in case one or more of the appointees fails to accept the appointment or is otherwise unavailable to perform his or her duties. RSA 658:5.

If the chair of the state political committees of the two parties have not made appointments and proper notification of those appointments by April 30, then the town or ward selectmen, in consultation with the moderator, shall appoint Inspectors of Elections in equal numbers from the two political parties. RSA 658:2. In case any appointment is not made as provided in RSA 658:2 or RSA 658:5 or vacancies are not filled as provided in RSA 658:22, then on application of 6 qualified voters of the town or ward, a justice of the municipal or district court shall appoint the inspectors. RSA 658:6.

Cities should consult their city charter when a vacancy occurs. If the charter offers no procedure for filling a vacancy, state law may provide a procedure for filling a vacancy in a corresponding town office. If this fails, the city council may decide.

Moderators have authority to appoint assistant moderators and such other election officials as the moderator deems necessary. Use this authority to appoint sufficient ballot clerks to effectively conduct the election. RSA 658:7.

Absences On Election Day

A temporary absence means that a certain official, still qualified to hold a position, is sick, out-of-town, has recused himself or herself because he or she is running for an office other than that of an election officer or is otherwise unable to perform his or her duties for a certain period of time.

Pro Tem Offices

Term of Office for Pro Tems

The term of office of a pro tem (also called pro tempore) officer shall expire at the "termination of the proceedings at the election" for which he or she was appointed. RSA 658:23.

"Termination of the proceedings at the election" means the end of the election and all post-election processes, including tabulation of votes, reconciliation, completion of post-election paperwork, and the conclusion of any recounts. For example, a moderator pro tem would serve until the results were announced, the ballots sealed up on election night, and election return paperwork described in RSA 659:73 has been filed with the Secretary of State and the clerk. But if there is a recount, the moderator pro tem would additionally serve until the recount is completed.

Moderator Pro Tem

If the moderator is absent from an election or unable to perform his or her duties, a moderator pro tem shall be appointed by the moderator. RSA 658:19. The law has a separate provision for annual town meetings. If the moderator is absent from any meeting or is unable to perform the duties of the office of moderator, a moderator pro tem shall be appointed by the board of supervisors of the checklist of the town or ward, or by the selectmen of a town where there is no board of supervisors. RSA 40:3.

Clerk Pro Tem

If the town or ward clerk is absent or unable to perform his or her duties and there is no deputy clerk as provided in RSA 41:18, a town or ward clerk pro tem shall be appointed by the town clerk. RSA 658:20.

Supervisor Pro Tem

If more than one member of the board of supervisors is absent or unable to perform his or her duties, a supervisor pro tempore shall be appointed by the moderator. RSA 658:21. If only one supervisor is absent or unable to perform his or her duties, the two remaining supervisors may appoint one or more assistant supervisors under RSA 658:7.

Ballot Clerk Pro Tem

If any of the appointed inspectors of election shall be absent or unable to perform his or her duties, the selectmen shall appoint some person qualified as provided in RSA 658:3, using the list of alternate appointees provided under RSA 658:4, unless no person on the list is available. RSA 658:22. If the selectmen have failed to provide adequate inspectors, the moderator may also use his or her general authority to appoint election officials to

appoint inspectors pro tem. RSA 658:7.

SELECTMEN PRO TEM

"If a selectman is absent from or unable to perform his or her duties for all or any part of the day at any state election, the selectman is authorized to appoint a selectman pro tem to perform his or her duties. If one or more selectmen are absent or unable to perform their duties and have not appointed selectmen pro tem, or if a selectman pro tem is absent or unable to perform his or her duties for all or any part of the day, the moderator is authorized to appoint selectmen pro tem to perform their duties." RSA 658:21-a.

In other circumstances selectmen can act only by majority vote of the board, however under these circumstances, this statute authorizes individual selectmen to appoint a Selectman Pro Tem to fulfill that selectman's election day duties. RSA 658:21-a.

Incompatibility of Offices

There are several offices in town government for which a person may not file for or serve while holding another office. RSA 669:7 deals with these offices as follows:

- No person shall at the same time file for or hold any two of the following offices: selectmen, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent.
- No person shall at the same time file for or hold any two of the following offices: town treasurer, moderator, trustee of trust funds, selectman, and head of any police department on full-time duty.
- No person shall at the same time file for or hold the office of town treasurer and town clerk.
- No full-time town employee shall at the same time hold the office of selectman.
- No official handling funds of the town shall at the same time hold the office of auditor.
- No selectman, moderator, town clerk, deputy town clerk or inspector of election shall file for or at the same time serve as supervisor of the checklist.
- No selectmen, town manager, school board member (except a cooperative school board member), full-time town, village district, school district employee (except a cooperative school district employee,) their associated agency employee, or village district commissioner shall file for or serve at the same time serve as a budget committee member at large under RSA 32.

The provisions above refer to the actual holding of office and are not to be construed to prevent the transfer between offices of information obtained in the regular conduct of business nor to prevent the personnel in any office from furnishing clerical assistance to any other office.

A town manager may be elected or appointed to any municipal office that would be subject to his or her supervision; but may not hold any other public office. For example, if the town road agent is supervised by the town manager, but the police chief is supervised by an elected police commission, the town manager could be elected or appointed as road agent, but not as police chief. RSA 669:8.

In the case of towns, any two appointed or elected members of the planning board may also serve together on any other municipal board or commission, except that no more than one member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7 and RSA 673:7, I.

The New Hampshire Supreme Court has also recognized a common law incompatibility of offices. "The doctrine bars an individual from holding two offices when one office is subordinate to the other, as the governmental checks and balances are eliminated because an individual is reviewing his or her own work." Town of Littleton v Taylor, 138 N.H. 419, 423 (1994).

Duties of Inspectors of Election (Ballot Clerks)

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Moderator Assigns Duties

The moderator typically assigns Inspectors of Election to specific duties, including serving as ballot clerks. The title “ballot clerk” is often used to describe the position of Inspector of Elections, and for most assignments is a more accurate description. However, the moderator may assign other election officers to serve as ballot clerks.

Appointment of Inspectors

Each state political committee of the two political parties which cast the largest number of votes for governor in the state at the last previous general election appoints inspectors of election. RSA 658:2. Inspectors are appointed between February 1 and April 30 of each general election year. If any party appointments are not made by April 30, the selectmen shall fill the positions in equal numbers from the two political parties. For school district meetings, conducted separately from the town election, the school board appoints inspectors. RSA 671:28.

The chair of the state political committees of the state’s largest two political parties shall notify the appointees and the town clerk, or the ward clerk and city clerk on or before April 30 of each state general election year. RSA 658:2.

Moderators may also use their authority to appoint assistant moderators and such other election officials as the moderator deems necessary to obtain the number of ballot clerks needed to effectively conduct the election. RSA 658:7.

Qualifications

A person must be registered to vote at the polling place where he or she will serve to be appointed as an Inspector of Elections. RSA 658:3.

Alternates

State political committees or, in their absence, town and ward selectmen, in consultation with the moderator, may designate a list of alternates, who shall meet the same qualifications as inspectors of elections, to be called in numerical order to serve in case one or more of the principal appointees fails to accept the appointment or is otherwise unable to perform his or her duties. RSA 658:5.

Moderators for polling places that have a high volume of voters and high turnout at certain elections report it is helpful to have two or more shifts of ballot clerks and at least one extra clerk on each shift who can give the other ballot clerks regular breaks. Most polling places have the highest volume of voters when the polling place opens in the morning and again during the drive home period in the afternoon. Consider having extra ballot clerks and check-in stations for the busy periods at your polling place.

Election Day Duties

Two of the inspectors, one from each of the 2 political parties, shall be designated by the moderator at the opening of the polls to act as ballot clerks. They shall have charge of the ballots and shall furnish them to the voters. RSA 658:25.

Polling places that break the checklist into sections organized alphabetically by the first letter of voter’s last names will need two ballot clerks for each check-in section. A breakdown of the optimal distribution of letters based on the number of

check-in stations is in the appendix and in SVRS Help Instructions.

Ballot clerks are inspectors of election who process voters in the check-in line. The moderator may assign other election officers, including selectmen and assistant moderators, to serve as ballot clerks. A complete description of Ballot Clerk Procedures, including voter ID requirements, is in SVRS Help Instructions. There are separate documents for paper check-in and electronic poll book check-in.

The other inspectors shall be assigned such duties in the polling place as the moderator may determine, including, but not limited to, relieving the ballot clerks, greeting arriving voters, directing formation of lines at the poll entrance, keeping voting booths clear of electioneering materials left behind by voters, and providing assistance to those voters who declare under oath that they need assistance. RSA 659:20; RSA 658:25.

Most school districts have voted to combine their election with town elections. When school districts separately conduct their own election, school district inspectors shall assist the school district moderator in counting votes for school district officers and questions. RSA 671:28.

Each inspector shall be sworn to the faithful performance of his or her duties and shall hold office for two years from August 1 in the year in which he or she is appointed or until a successor is appointed and qualified. RSA 658:4. Each inspector must complete an oath of office, which must be filed with the clerk. A copy of the oath of office form is available in the appendix. Moderators may also appoint Inspectors of Elections pro tem as assistant election officials for a particular election, in which case the pro tem official's term of office would end upon the election being finalized.

Importance of Properly Marking the Checklist

The marked checklist serves important legal purposes:

- Identifying who has voted, so that ballot clerks do not permit the person to vote a second time;
- Identifying who voted in order to allow enforcement of the laws prohibiting voting in two towns/wards or two states in the same election;
- For party primaries, identifying who voted in each party's primary, including undeclared voters who may have subsequently changed back to undeclared;
- Allowing a count of how many voters participated in the election for comparison with the total number of ballots used at the election to verify the integrity of the election results;
- Comparing the sum of all votes, a calculation of total votes cast in a race, including undervotes and overvotes to ensure the tally of votes cast for a given office is consistent with the number of people checked-in to vote.

It is therefore very important that the checklist be marked in a consistent and uniform manner.

For each voter a checkmark must be entered next to the voter's name at the start of the voter intake, immediately upon finding the voter's name on the checklist. Put a check in the box on the left margin. See the reference photo on page 84.

After the voter's address and identity has been verified, and at the moment when the voter will be issued a ballot, a single thin line must be drawn through the voter's last name using a ruler or other straight edge.

Be careful to mark the correct name on the checklist.

If a ballot clerk realizes that a mistake has been made, for example the wrong voter has been checked off, a corrective note must be written on the checklist along with the initials of the official who made the correction. The official responsible for noting corrections should be designated by the moderator prior to the election, whether it is the

ballot clerk, the moderator, or the moderator's designee.

Checklist Used at An Election

Prior to election day, do not mark the checklist used at an election in any manner that could be misunderstood as documenting that the person voted. The practice of pre marking absentee voters on the checklist as having voted in advance of the election is improper and is a suspected source of inaccurate checklist markings regarding absentee voters. It is, however, permissible to highlight the names of voters who have returned an absentee ballot. Some election officials report that makes it easier and faster to find and mark the voter when processing absentee ballots at the polls on election day.

SVRS will print in **bold** the names of voters who have been entered into SVRS as requesting an absentee ballot. Voters requesting absentee ballots after the checklist is printed will not be printed in bold. Printing names in bold is designed to aid in locating and highlighting before election day voters who return an absentee ballot or on election day marking the voter as having voted by absentee.

A ballot clerk marking absentee voters and finding a voter's name that is not highlighted is alerted to look more carefully to ensure the correct voter is being marked. While some voters will be issued absentee ballots after the checklist is printed and will be the correct voter, often the ballot clerk may mistakenly focus on a voter with the same or a similar name, who is not the absentee voter.

Instruct ballot clerks to make only those marks on the checklist that are required by law.

- Initial Checkmark: Place a checkmark beside the name immediately upon finding the voter's name on the checklist.
- Corrected Address: RSA 659:13, requires that ballot clerks "state the address listed on the checklist for the voter, and ask if the address is correct" – before providing a ballot to the voter on election day. This is an opportunity to update address information in voter registration files. Address Changes must be marked in red ink on the checklist. – RSA 659:13, I.
- Out-of-State Driver's License (OOSDL): When an out-of-state driver license or non-driver ID is used as photo ID, enter the two-letter abbreviation for the state that issued the ID. RSA 659:13, I(b).
- Party Column (for primary elections only): During a primary election, if the voter is undeclared, using red ink write the three initials of the political party whose ballot the voter is casting in the "party" column. RSA 659:52.
- Strikethrough Last Name: After issuing the voter a ballot, the ballot clerk must draw a single thin line with a ruler or straight edge through the last name of the voter. RSA 659:13, I(b).
- Absentee: For an absentee voter, when the moderator comes to the checklist with the absentee ballot in its envelope, the ballot clerk must mark "A.V." in red ink beside the voter's name in addition to placing a checkmark beside the voter's name and drawing a single thin line through the voter's last name.

If the polling place uses an electronic poll book system, absentee voters are checked in on a poll pad that is configured for entering absentee voters. Typically, one set of ballot clerks and one poll pad is dedicated to entering absentee voters when absentee voters are being processed. See the instructions for absentee voter check-in in the Ballot Clerk Procedure – Electronic Poll Book, which is in SVRS Help Instructions. The procedure for a general election is the same except the ballot clerk does not make any inquiry or record regarding party affiliation. At a general election all voters are issued the same ballot.

If a moderator at a polling place using an electronic poll book opts to check-in absentee voters directly on the paper checklist being marked in parallel with the electronic check-in, it is essential to hand count the number of absentee voters checked-in on the paper checklist. This number must be

added to the electronic poll book report of the number of voters checked-in to obtain an accurate of number of how many people voted for election result reconciliation and to enter on the post-election certificate.

Ballot clerks enter address changes within the same town or ward directly on the checklist or in the electronic poll book system. Other changes to a voter's record, such as a name change reported by a voter at the check-in table, must first be processed with the supervisors of the checklist. The supervisors use the voter registration form, marking the upper right corner to indicate the form is completed for a name change or address update. RSA 654:7.

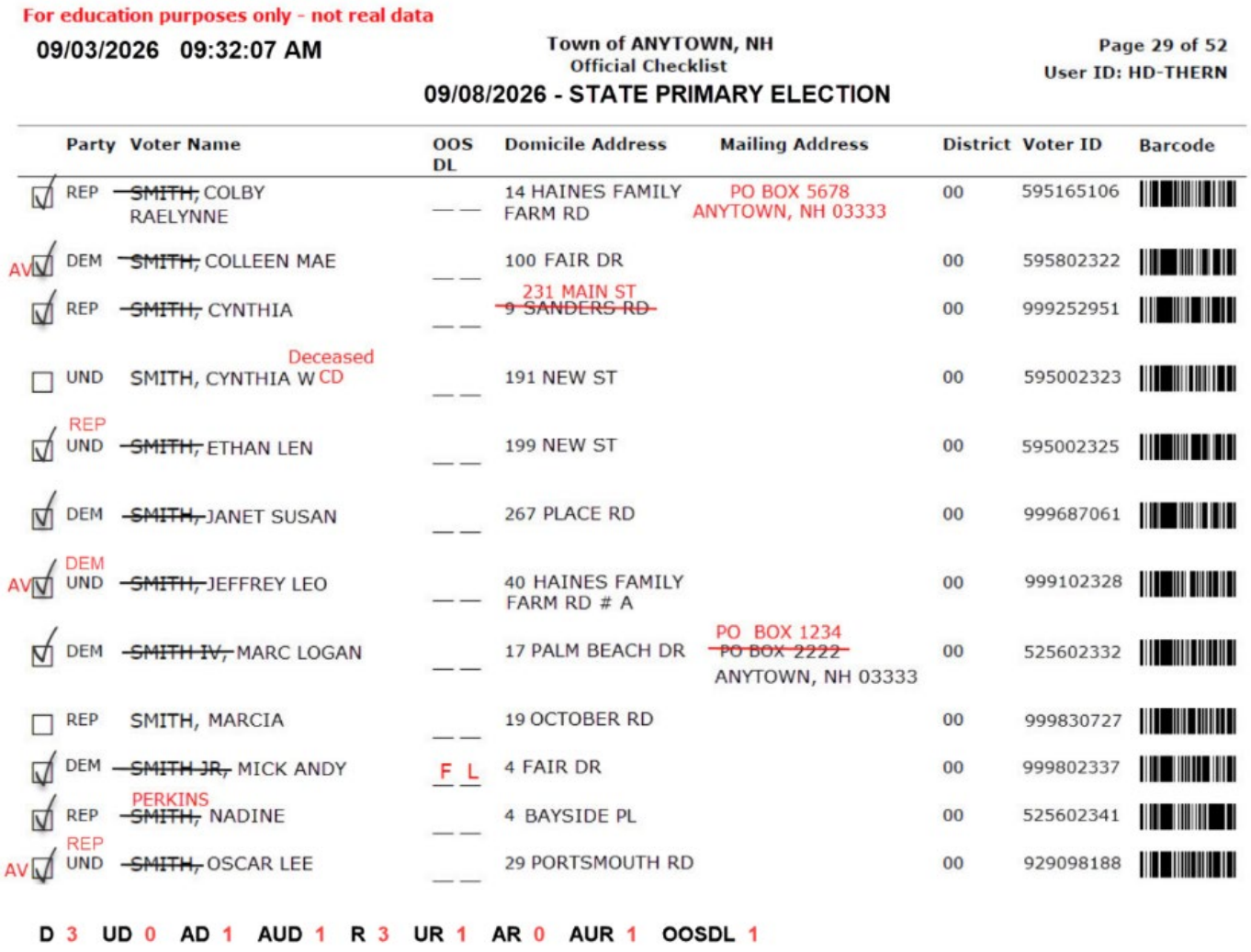
Best practice for documenting a name change reported at the polling place on election day is as follows:

- The voter reports a name change to a greeter or when checking in at the ballot clerk table. The greeter or ballot clerk directs the voter to the supervisors of the checklist table and takes no other action;
- The supervisors ask the voter to complete a new Voter Registration Form, marking in the upper right-hand corner that the voter is completing the form due to a name change;
- Supervisors require the voter to provide proof of identity to verify the validity of the new name. For example, a voter whose name changed through a marriage could present a qualifying photo ID showing either their new or former name along with their marriage license showing their name was changed from the former name to the new name. As another example, a voter whose name was changed through a N.H. marriage, divorce, civil union, dissolution, or adoption could present a qualifying photo ID and request that the supervisors verify the name change through a vital records inquiry in SVRS. As the person has already proven age, citizenship, and domicile to become registered, the voter is not required to provide proof of those qualifications.
- Supervisors send the voter back to the check-in table and:
    - Accompany the voter to verify the name change with the ballot clerk.
    - Provide the voter with a New Voter Authorization Form, have them complete the form, and also write the voter's prior name on that form.
    - Update the voter's record in the electronic poll book system and print a registration update receipt on green paper. The printed update receipt is taken to the ballot clerk. The ballot clerk finds the voter in the electronic poll book system using the updated information and checks the voter in. The check-in paper receipt is stapled to the registration update receipt, and both are provided to the polling place staff marking the paper checklist in parallel with the electronic check-in. This change must be done on the paper checklist with no more than 30-minute lag time of voter checking in.
- For check-in on paper checklist, the ballot clerk finds the voter's former name on the checklist and places a checkmark beside that name. The ballot clerk next needs to verify the voter's identity in the same manner as for other voters, a photo ID with the new name is appropriate proof, but any proof accepted for other voters is acceptable. The ballot clerk will then draw a single thin line through the voter's entire prior name on the checklist and write in the voter's new name immediately above the printed name in red ink. The new name will not be in its proper alphabetical position on the checklist. The name needs to be entered immediately above the former name to avoid confusion in the count, made after the polls close, of the number of voters marked as voting;
- Do not write the new name where the names of new voters are written at the end of the pages for the first letter of the voter's new last name.

- When election day registrations are counted, name changes for a previously registered voter must not be counted as a new election day registration. Instead count the voter with a name change with other previously registered voters when tallying how many previously registered voters cast a ballot in the election.

A voter date –of birth, date of death, divorce date, and other non public information may not be written onto the election day checklist. The election day checklist becomes a public document following the election. RSA 654:31-a. The supervisors and clerk may adopt local procedures for collecting this information.

Checklist Reference Photo



For education purposes only - not real data

09/03/2026 09:32:07 AM

Town of ANYTOWN, NH
Official Checklist
09/08/2026 - STATE PRIMARY ELECTION

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User ID: HD-THERN

	Party	Voter Name	OOS DL	Domicile Address	Mailing Address	District	Voter ID	Barcode
☑	REP	~~SMITH,~~ COLBY RAELYNNE		14 HAINES FAMILY FARM RD	PO BOX 5678 ANYTOWN, NH 03333	00	595165106	
AV ☑	DEM	~~SMITH,~~ COLLEEN MAE		100 FAIR DR		00	595802322	
☑	REP	~~SMITH,~~ CYNTHIA		~~9 SANDERS RD~~ 231 MAIN ST		00	999252951	
☐	UND	SMITH, CYNTHIA W Deceased CD		191 NEW ST		00	595002323	
☑	REP UND	~~SMITH,~~ ETHAN LEN		199 NEW ST		00	595002325	
☑	DEM	~~SMITH,~~ JANET SUSAN		267 PLACE RD		00	999687061	
AV ☑	DEM UND	~~SMITH,~~ JEFFREY LEO		40 HAINES FAMILY FARM RD # A		00	999102328	
☑	DEM	~~SMITH IV,~~ MARC LOGAN		17 PALM BEACH DR	~~PO BOX 2222~~ PO BOX 1234 ANYTOWN, NH 03333	00	525602332	
☐	REP	SMITH, MARCIA		19 OCTOBER RD		00	999830727	
☑	DEM	~~SMITH JR,~~ MICK ANDY	F L	4 FAIR DR		00	999802337	
☑	REP	~~SMITH,~~ PERKINS NADINE		4 BAYSIDE PL		00	525602341	
AV ☑	REP UND	~~SMITH,~~ OSCAR LEE		29 PORTSMOUTH RD		00	929098188	

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Introduction

This section should be read in conjunction with the Election Day, Election Night, and Post Election Day sections.

In New Hampshire, moderators preside as the chief officer at town meetings and elections. For town meetings, moderators regulate the floor, decide questions of order, and may prescribe the rules of proceeding (though such rules may be altered by the town). RSA 40:4. In cities, the city clerk may establish uniform city-wide procedures that must be followed by the ward moderators. RSA 659:9-a.

Election Staff

In general, the moderator has authority over town meeting and election day staff that are not elected (ballot clerks, greeters, assistant election officials). A moderator has the authority to appoint assistant moderators and such other election officials as the moderator deems necessary to effectively conduct the election. RSA 658:7.

Greeters

Best practice is for the moderator to assign one or more greeters. Position a greeter where voters arrive at your polling place. The greeter should assist those arriving to find the correct starting point. If a voter registration or voter check in line extends outside the room where voting and registration occurs, new arrivals may join the wrong line. Therefore, it is important for the greeter to move to wherever the line starts, so they can direct new arrivals to the correct registration or check in line.

Allowing a person to needlessly wait in the wrong line will create a negative voter experience and exacerbate line problems.

For example, a new arrival who needs to register may incorrectly wait in the line of already registered voters who are waiting to check in and

vote, rather than going directly to the supervisors' voter registration table. Most polling places have multiple check-in stations, each serving one section of the alphabet. Help the voter find the correct check-in station for the first letter of the voter's last name, so the voter doesn't unnecessarily wait in the wrong check-in line.

The greeter should either carry or have easy access to a checklist to allow the greeter or the voter to examine the checklist to determine whether the person is registered to vote at that polling place. Also consider having a checklist posted in the area where voters wait in line. SVRS can be used to print a compressed list of registered voters, called the Alpha Voter Checklist. The compressed list requires less space to post and can be carried more easily.

There can be only one check-in checklist that is marked when a voter is issued a ballot and, in hand count towns, one check-out checklist when the voter deposits the ballot. However, additional copies of the checklist may be used for other purposes at the polling place. These copies need not be certified by the supervisors.

Best practice is to swear the greeter in as a pro tem election official to ensure the greeter understands the importance of fulfilling his or her duties in conformance with the law.

Ensure the greeter is trained on the prohibitions on electioneering at the polling place by election officers.

BALLOT CLERKS – IN GENERAL

This manual contains a Duties of Ballot Clerk section that explains their duties in detail. Because moderators oversee ballots clerks, there are a few things moderators should keep in mind.

Ballot clerks should be instructed to make only those marks on the checklist that are required by law. Non-public information, such as a voter's date-of-birth, date of death, divorce date, or other non-public data may not be written onto the election-day checklist. The election day checklist becomes a public document following the election; therefore, it may not have any non-public information written on it.

Ballot Clerk Staffing Level

Best practice is to have at least one check-in station for every 600 expected in-person voters. Ideally, staff each check-in station with two ballot clerks, one affiliated with each political party. Consider voter turnout at the most recent similar election and the comparative number of voters on your checklist to project expected in-person voting.

For example, for a general election in a year when U.S. President is on the ballot, start with the turnout at the last general election where the U.S. President was on the ballot (4 years previous). Adjust the estimate up or down based on the percent change in the number of voters on your checklist. Consider turnout trends at the most recent elections and trends in use of absentee voting. If warranted adjust your projected in-person turnout accordingly.

A registered voter should not have to wait more than 15 minutes to get a ballot, and most should receive their ballot more quickly.

If the moderator requests, the political parties may, between February 1 and April 30 of each even numbered year, appoint an equal number of additional inspectors to ensure the moderator has sufficient ballot clerks. After the time for appointment by the parties has expired, the selectmen shall appoint additional inspectors of election to satisfy the moderator's request. RSA 658:2.

Additional Polling Places

The moderator elected by the town shall preside over the central polling place. He or she must appoint an assistant moderator, who is domiciled in the town, to run the additional polling place. In a similar manner, the town clerk must appoint an assistant clerk who is domiciled in the town. Assistant moderators and assistant clerks

appointed to work at additional polling places in cities must be domiciled in the city ward in which they will serve. RSA 658:11 through RSA 658:14.

Before Polls Open

Electronic Ballot Counting Device Towns

Certify that all electronic ballot counting devices and memory cards passed testing requirements and evidence of testing is stored in the front pocket of the canvas bag for the device. Verify that all device seals are intact, and that appropriate activity and access logs are recorded, signed and stored in the front pocket of the canvas bag. RSA 656:42. Do not put a ballot counting device into use that has not been properly tested or which is not properly sealed. The moderator must report any broken seals that are not documented in the device activity log to the Attorney General, the Secretary of State, the clerk, and the selectmen. RSA 656:42, VIII (d)(5). If the town/ward doesn't have a replacement device and can't arrange for the vendor to provide a replacement device, ballots will need to be hand counted. Properly test and seal each replacement devices before using.

Prior to printing the zero tape/polls opened report from an electronic ballot counting device, the moderator, in the presence of at least one witness, shall examine all compartments of the ballot collection box, including the primary ballot bin, the diverter (write in) ballot bin, and the side ballot bin (ballots to be hand counted) accessed via the door on the side of the device, to ensure that the ballot collection boxes do not contain any ballots. Sign the zero tape/polls opened report once this process is completed.

If a ballot counting device is used, the moderator must display the zero-tape produced by the device when it is set up and turned on for the election. This tape shows that the starting count for each candidate and question is zero.

The signed zero tape/polls opened report must be preserved and kept with the results tape following the election. Do NOT seal these tapes into the ballot or absentee voting materials boxes. The Clerk should receive the tapes and keep them with the other election documents that are not sealed into storage after counting.

Pre-Election Certificate and Receiving Ballots

Ballots must be inventoried at or prior to the opening of the polls. The ballots must be unsealed by the clerk, counted in the presence of the moderator, clerk, and at least one other legal voter, and then given to the ballot clerks at the opening of polls.

If the ballots are counted prior to the opening of the polls, the clerk must post a notice of the time and place of the counting, and the public has a right to observe the process. RSA 658:31.

The moderator and clerk must certify the number of official ballots on the pre-election certificate. This ballot inventory will aid the moderator in anticipating the need for the clerk to prepare extra ballots if there is a heavy turnout and is available as a cross reference when checking the accuracy of the ballot counting. This number is also entered on the Post-election Certificate.

Fill out the three copies of the pre-election certificate if the election is a state election. One copy is for the moderator's records, the second is for the clerk's records. One copy must be provided to the clerk to return to the Secretary of State with the Return of Votes.

Certification of the Checklist

Before the election, the supervisors must certify that the corrected checklist according to their best knowledge contains [fill in number] of names of those persons, "*who are by actual domicile legal voters*" in the town or ward. RSA 654:29. Two certified copies are provided to the clerk; the clerk and the moderator must use those certified copies as the checklist for the election. Only one certified checklist is used at polling places where a ballot counting device is used.

Managing Lines and the Number of Check-in Stations (Ballot Clerk Tables)

Line Management

Line management experts encourage the use of relatively easy systematic measurements documenting how many people are waiting in line. For polling places with a history of long lines at high turnout elections, use of a volunteer for some minimal record keeping on the number of people waiting at regular intervals can provide moderators with valuable information. Average wait time can be calculated from this data. Accumulating this data over a few elections will provide decision makers with data to assess the need for additional staff for the hours of peak turnout.

Having a systematic record of how many people are in line at regular intervals also will help address complaints. Although severe line problems are rare, they are more likely to occur during the general election when the office of President of the United States is on the ballot. Even at those elections only a small number of the state's polling places experience excessive lines. A record that demonstrates whether the problem of excessive lines occurs and if so whether the lines are long lasting throughout the day versus just when turnout spikes or some problem arises can alleviate public concern when long lines become major news stories. Furthermore, the record will be evidence that the moderator is proactive. The records will show the moderator is alert for and prepared to address excessive wait times.

A registered voter should generally not be required to wait more than 15 minutes to reach the ballot clerk's check-in table. An unregistered voter should generally be able to reach the voter registration table within 30 minutes.

Persistent lines are usually only an issue at the small number of polling places in New Hampshire that have a high volume of voters and then primarily only at high turnout elections.

The longest lines often occur right when the polling place opens and again at the end of the day. Particularly at high turnout elections and at high-volume polling places, failing to effectively process lines at any point in time will increase the likelihood of lines later during the day. When a long line has formed, do not assume it will resolve itself. Contact the Secretary of State's Office or Attorney General's Office if you need help reducing lines during an election.

Number of Check-In Stations

New Hampshire law does not set minimum standards for the number of check-in stations the way it does for voting booths. Based on anecdotal reports from New Hampshire moderators, time studies done in New Hampshire with small samples, and calculators provided by national research organizations, it is prudent to have at least one check-in station for every expected 600 in person voters.

For high-volume polling places, it is important to break the checklist into sections, allowing more than one voter to check in simultaneously. The first letter of the last name of voters in New Hampshire is not uniformly distributed to all letters of the alphabet. A 2018 analysis by the Secretary of State, verified with analysis of 2022 and 2024 data, of all active voters in SVRS shows that almost 10% of New Hampshire Voters' last names start with the letter "M," while less than 2% start with the letter "N." Each check-in station should have a proportionate number of voters, not an equal number of letters of the alphabet. See the alphabet distribution chart in the appendix for suggestions on splitting up the checklist.

Flexible Distribution by Alphabet

A best practice is to have the checklist used at the check-in table printed with a page break at the end of each letter of the alphabet. Voters arrive at the polling place in patterns unrelated to the first letter of the voter's last name. Moderators or an assistant assigned to monitor the flow through check-in stations should be able to shift one or more letters from one section of the alphabet at a

check in station to the adjacent check in station, when one section has a sustained line, and the adjacent section does not. For example, if the "A-B-C-D-E" check-in position seems to constantly have a line and the "F-G-H-I" section does not, move "E" or "D-E" from the first station to the second. It may be necessary to shift the sections of the check-in checklist back later in the day. Moderators report that this practice is beneficial. This process requires letter signs for check-in stations that are easily changeable.

Flexible Number of Check-in Stations

The moderator should consider adding check-in stations during the times of day when peak turnout occurs. At most polling places, peak volume is at the opening of the polls and again in the later afternoon/early evening. Consider having additional part-time polling place staff and one or more additional check-in stations just during those busy times of the day.

Limited New Hampshire data is available on when voters arrive to register and vote during election day. That data suggests that the number of voters arriving during a particular half hour will typically increase by 30% during some periods starting when the polls open, around noon time, and again starting late afternoon. Over several elections, there will likely be half hour periods with spikes to 150% to 200% of the arrival average, which will occur at difficult to predict times of day.

Best practice is to have a baseline minimum of 1 check-in station for every expected 600 voters. Estimate expected voters using the turnout at the most recent similar election (election 4 years previous) adjusted for probable increase in turnout based on the pattern of turnout during the intervening years and the apparent level of interest voters are expressing. Analysis of the time of day when voters cast ballots in one town which had approximately 6,100 registered voters, with a four-year average turnout for a general election of 4547 voters, shows turnout over four elections by percent by hour of day to range from 10% voting during the first hour to a low of 6% voting during the noon to 1:00 p.m. period. This is consistent with anecdotal reports suggesting that the peak demand for voter check-in occurs at the opening of the polls for one to two hours and again from 4:00 p.m. through the closing of the polls for polls that close at 7:00 p.m.

The best practice of at least one check-in station for every 600 expected in-person voters was set with consideration of the impact of marking absentee voters on the checklist and the reality that there will be spikes and lulls in the rate of arrival throughout election day.

Electronic Poll Books

Some cities and towns have received conditional approval for the limited use of electronic poll books in parallel with the statutory paper checklist process. No town or city may use a parallel system without the approval of the Secretary of State. Electronic poll books can be used at elections, town business and deliberative sessions and special meetings, and school district business and deliberative sessions and special meetings. RSA 652:27, I.

Electronic poll books allow a voter to check in at any check in station. There is no need to queue up at the check in designated for the first letter of the voter's last name. Lines that form at one check in station while other check in stations are idle no longer occur. Election officials report that this parallel use significantly speeds up voter check-in for previously registered voters and is helpful for determining the number of voters who received a ballot at the end of the night.

Under a parallel processing system, election officials must simultaneously fulfill all the requirements of law, as if no electronic poll book is in use. Officials typically do this by having additional appointed assistant election officials who use the check-in receipt issued by the electronic poll book to mark a paper checklist, as if the voter had checked in at the paper checklist. At some polling locations, ballot clerks staffing the electronic poll book keep the check-in receipt and

issue the voter a ballot immediately upon checking in the voter. At other polling locations, ballot clerks staffing the electronic poll book give the check-in receipt to the voter, who brings it to another table of ballot clerks to exchange for a ballot. Either way, election officials must use the receipts to mark the paper checklist. RSA 652:27 allows up to 30 minutes lag between the e-poll book recording a voter check-in and the marking of the paper checklist. All voters, including election-day registrants and absentee voters, must be marked on the paper checklist. The marked paper checklist serves as a backup in the event the electronic poll book system fails and as a permanent paper record of who voted.

Cities and towns may use electronic poll books alone for voter registration and check in at a local or state election only if the electronic poll book program has been recommended for approval by an evaluator approved by the Secretary of State and the system has been approved by the Secretary of State. The use of electronic poll books must follow the requirements issued by the Secretary of State.

Each individual voter receipt issued by an electronic poll book system, which is then used in the parallel hand marking of the official paper checklist, should be retained for 7 years. There is no explicit retention period stated in the e-poll book law or RSA 33-A:3-a. We recommend retaining all electronic poll book (poll pad) receipts at a minimum for the same period you are required to retain the marked checklist, 7 years. RSA 33-A:3-a, CXL.

Challenges

The Election Day section contains a comprehensive section on challenges. For the purposes of this section, it is important to reiterate a few things:

- Make sure there is an area for challengers to hear voters check in and hear the moderator process absentee ballots. This is often accomplished by placing the observation area near both the check-in table(s) and the area for the processing of absentee ballots.
- For challenges to a voter's qualification to vote, such as age, citizenship, or domicile, the supervisors of the checklist rule whether the challenged voter is or is not qualified. The moderator rules on challenges based on all other grounds (a full list of grounds is found in the Election Day section).
- If a challenge is ruled well-grounded (meaning it is more likely than not that the voter is not qualified), the voter must be given the opportunity to vote if they complete a Challenged Voter Affidavit. The option to complete a Challenged Voter Affidavit is required by court order and not found within the current version of RSA 659:27.

As a final note, moderators should be aware that the law makes it a specific felony offense to engage in voter suppression. This includes making a challenge based on information the challenger knows to be false or misleading. RSA 659:40, III(a).

Number of Voters within Guardrail

The moderator must ensure that the number of voters within the guardrail who have a ballot, excluding those handing the moderator the ballot or feeding it into the ballot counting device, does not exceed the number of voting booths and voting privacy screens. RSA 659:16. When the booth(s) equipped for use by voters with disabilities are open, the next voter may use the booth. Do not reserve the booths equipped for use by voters with disabilities exclusively for use by voters with disabilities. All voters may use all booths.

Voters must not be allowed to leave the area enclosed by the guardrail while in possession of a ballot. RSA 659:15. Anyone who knowingly removes an official ballot to outside the guardrail before the close of the polls is guilty of a misdemeanor. RSA 659:38. No one other than representatives of the Secretary of State, representatives of the Attorney General, election

officials, voters casting their ballot(s), or a voter admitted by approval of the moderator to assist another voter, can be admitted within the guardrail. RSA 659:21.

Photographs & "Ballot Selfies"

In general, voters may not allow their marked ballot to be seen by any person with the intention of letting it be known how they are about to vote or how they have voted. RSA 659:35. RSA 659:35. The law also prohibits taking a photograph within the guardrail that captures another voter or their ballot. RSA 659:45-a.

These general prohibitions, however, do not apply to what are colloquially known as "Ballot Selfies" – a photograph taken by a voter of their own marked ballot and posted on the internet. The federal First Circuit Court of Appeals ruled RSA 659:35's ban on ballot selfies was an unconstitutional restriction on core political speech protected by the First Amendment to the United States Constitution. Rideout v. Gardner, 838 F.3d 65, 75 (1st Cir. 2016). Therefore, ballot selfies are allowed provided the voter is not disruptive and does not capture marked ballots of other voters in the photo.

Best practice is to encourage ballot selfies to be taken inside a voting booth, so there is no risk of photographing other marked ballots. Photographs and videos may be taken from outside the guardrail of general polling place activity. A polling place is subject to the usual requirements of the Right-to-Know law, RSA Chapter 91-A, that audio recording, video recording, and photographs must be allowed. The person recording or photographing may not do so in a disruptive manner.

Hand Count Town – Check Out Checklist

In hand count towns, position the town or ward clerk, or a deputy clerk/assistant clerk, at the checkout table by the ballot box.

The moderator or an assistant moderator stands where the ballot box is placed and inserts the ballot handed to him or her by the voter. The moderator must ensure that the voter is casting the correct number of ballots. Typically, at a state election, a voter casts one ballot.

Ballot Counting Devices

Privacy Folders

The Attorney General's Office reports complaints from voters, particularly in communities where ballots are printed on two sides, that the voter's right to cast a secret ballot is violated when it is necessary to make the marked ballot visible while carrying it from the voting booth to the ballot counting device and while inserting the ballot into the device.

RSA 659:23, previously titled "Folding and Depositing Ballots" is now titled "Casting Ballots." "Privacy folders shall be available at the polling place for voters to use when carrying the marked ballot from the voting booth or voting privacy screen to the ballot counting device." RSA 659:23, II. At a polling place using a ballot counting device, the voter is permitted to feed the ballot into the ballot counting device. For ballots that the device is unable to count, or which otherwise require hand counting, the moderator may instruct the voter where to cast their ballot.

A manilla folder or large piece of paper can be used as a privacy folder. It must be of sufficient size to cover the area of the ballot containing offices, questions, and ovals. Ideally, it will be sized so the top or bottom edge of the ballot protrudes, allowing the voter to feed the ballot into the device without removing the ballot from the folder. This maintains the secrecy of how the voter marked the ballot.

Local election officials at polling places using a ballot counting device are encouraged to incorporate a privacy folder into routine ballot issuing procedures. RSA 659:23.

When a privacy folder is used, it is not possible for other voters standing in line, people standing outside the rail monitoring the voting, election officials, or the moderator to see how the ballot has been marked.

The privacy folder is turned in once the ballot is fed into the ballot counting device. Because the folders can be recycled back to the ballot-issuing table as soon as the voter feeds his or her ballot into the ballot counting device, it is not necessary to have a folder for every ballot printed. Depending on the size of your community, typically one privacy folder for every voting booth and voting privacy screen will be sufficient.

Overvotes

The ballot counting device must be set to return to the voter any ballot that the device reads as containing one or more overvotes. Each device vendor will apply the correct settings.

The statute directs that the voter be instructed to place the ballot in the box/bin where ballots that will be hand counted are placed. RSA 656:42, XI. "Insert hand count ballots here" signs that should be attached to the device base are in the appendix.

A ballot is overvoted if the ballot, for any race or question, has marks in more ovals than the instruction for that race or question allows. Even small marks in an oval can be read as a vote by the device. If the voter fills in one oval and makes a stray mark on the ballot that crosses through an oval for a different candidate, the device will read this as an overvoted race.

Example 1: the race for Governor will have an instruction to "Vote for not more than 1." If the voter fills in the oval for two or more candidates, the device reads this as an overvoted race. The device will reject and return the ballot to the voter. An election official later hand counting this ballot must apply the test of voter intent to determine if the voter chose a single candidate or overvoted by choosing two. If the moderator determines it is more likely than not that the voter overvoted the race, no candidate for that office receives the vote. If instead the moderator determines that it is more likely than not that the voter filled in the oval for only a single candidate, despite a stray mark that was not intended as a vote, then the ballot should count as a vote for the candidate whose oval was filled in.

Example 2: if the voter fills in the oval for a candidate but then puts a large X through the candidate's name, the oval, and/or writes "No Vote," this should be treated as a cancellation of the vote. If the voter did this and additionally filled in the oval for a different candidate, the voter's intent was for that candidate to get the vote. An election official later hand counting this ballot with a clearly canceled mark will count the ballot as a vote for the candidate with the completed oval that is not canceled.

A ballot that is returned to the voter to be inserted into the hand count bin, is not counted by the device for any race or question on that ballot. That ballot must be fully hand counted.

During absentee ballot processing, the moderator or an election official designated by the moderator to insert absentee ballots into a ballot counting device must put all absentee ballots rejected as an overvote into the hand count bin to be fully hand counted.

All ballots placed in the hand count bin, including overvoted ballots placed in the bin, will not be included in the total of ballots counted on the ballot counting device results tape. These ballots must be included in the tally of the total number of hand-counted ballots used for the ballot inventory.

Interacting with Voters Whose Ballots Are Rejected By the Machine

RSA 656:42 directs that a voter whose ballot was rejected by the machine be "instructed to place the ballot in an auxiliary compartment to be hand counted by election officials after the polls close." A voter who questions this instruction should be told: "The device is not able to read your ballot, please insert the ballot in the side

pocket. All of your choices will be hand counted after the polls close to voting."

If the voter instead requests a new ballot, follow the procedure for a spoiled ballot set out in RSA 659:22.

Use caution when interacting with a voter whose ballot has been returned to the voter due to the device reading an overvote. Even if asked by the voter, best practice is to avoid looking at how the ballot is marked to try to find the overvoted race(s). Even if that voter is willing to give up their right to a secret ballot, others hearing or seeing the interaction may view it as election official misconduct.

The moderator must ensure that these ballots, which must be fully hand counted, are removed from the ballot counting device base and kept separate from ballots that are removed from the write-in bin, and the fully counted ballot bin, located inside the device under the cover. Unlock the side door and retrieve the ballots. Ideally place them in a temporary box labeled "Hand Count – all races and questions must be fully hand counted – these ballots were not counted by the device."

Voter Can Request Hand Count

In a hand-count polling place, voters must hand their ballot to the moderator, who then deposits the ballot in the ballot box. RSA 659:23. The purpose of this requirement is to allow the moderator to verify that the voter is only depositing a single ballot.

Any voter in a machine-count polling place may request to have his or her ballot hand-counted. RSA 656:42, XII. To verify the voter is only depositing a single ballot, the election official manning the ballot machine should instruct the voter to hand over the ballot, which the official must then place the ballot in the auxiliary compartment (side pocket) of the ballot counting device to be hand-counted by election officials after the close of the polls. If the voter insists on personally depositing the ballot in the auxiliary compartment, the election official could instead just touch a corner of the ballot to verify there is only one ballot.

Polling locations that do not have ballot counting devices but run the ballots through a device later on at a central location will need to have two ballot boxes available—one for ballots to be run through the device and one for voters who request their ballots be hand-counted.

If the device goes down in the middle of the election, have an extra ballot box available for use. Only place hand count ballots into the auxiliary compartment. Place all other ballots into the separate ballot box. Once the device is operational, you can then run the ballots cast in the separate ballot box through the device. Remember not to run the ballots that need to be hand counted.

Ballots Rejected Because Wrong Polling Place

In rare circumstances, a voter will mark and attempt to cast a ballot that is printed for a different polling place. This could occur if ballots received by a city for one ward are inadvertently used at a different ward or if an absentee voter is sent a ballot for the wrong ward. This can occur if the clerk does not verify that all boxes of ballots received prior to the election contain the correct ballots for that town/city ward. It can also occur if two voters from different towns/wards are together when marking their absentee ballots and mix up the ballots, sending them to the wrong towns.

Absentee voters with a disability may have the assistance of another person when marking their ballot. Otherwise, absentee voters ideally exercise their right to a secret ballot and mark their ballot in private. Nonetheless, rare instances of a ballot printed for a different polling place being cast at the voter's polling place have been reported.

If a ballot for a different town or ward is inserted into the ballot counting device, it will be rejected as the timing marks printed on the ballot will not match the ballot layout for the town/ward.

If the ballot was mistakenly issued to a voter entitled to vote in this polling place and the voter is still present, the ballot must be spoiled, and a correct ballot issued to the voter to mark and cast.

If the voter who casts the ballot is unknown or not present (absentee voter), the ballot must be set aside for hand counting the votes on the ballot that are common to both polling places. Similarly, in a hand count polling place, if a wrong ballot is discovered in the hand count process, the ballot nonetheless is counted for the races/questions in which the voter was entitled to vote.

For example, all ballots in the state will have the race for Governor. In two out of three election cycles all ballots in the state will have the race for United States Senator. Examine the other races on the ballot, in many cases the ballot marked by the voter and the ballot that should have been issued to and marked by the voter will have the same races with the same candidates. Count the votes marked on the ballot where the races and candidates on the ballots match.

For questions, except for local questions that are specific to one town or city, questions are the same statewide. Count the vote marked on the ballot for all questions that appear on the ballot the voter should have received and marked.

Do not count the vote(s) marked on the ballot if the vote(s) is for a candidate/race or question not listed on the ballot the voter should have received. For those races or questions the marked (wrong) ballot must be counted as an undervote.

The process used to set aside the wrong ballot for the polling place and hand count must protect the voter's right to a secret ballot.

Spoiled Ballots

A voter who makes a mistake when marking his or her ballot may spoil his/her ballot by taking it to the moderator. Any voter who spoils a ballot(s) may receive a replacement, not exceeding 3 in total, upon returning the spoiled ballot(s) to the moderator. The moderator must write the word "canceled" on the ballot and sign it. Do not cast the spoiled ballot into the ballot box or ballot counting device. Best practice is to have a large envelope marked "Canceled Ballots" and to place the ballots into that envelope.

It is important during the counting process and at any recount to be able to clearly identify marked ballots that were spoiled and not cast, and therefore must not be counted. The moderator must hold spoiled ballots aside. Seal spoiled ballots, ideally in the separate envelope marked "canceled ballots," in a container provided by the Secretary of State designated for ballots, along with the other unused ballots at the end of counting. RSA 659:22.

Accessible Voting

OmniBallot Accessible Voting Tablet

The Accessible Voting System, named "OmniBallot," is a tablet-based system provided by the Secretary of State. It must be set up and available for use by voters at all elections. This means that every city, town, and school district that votes by official ballot must make the OmniBallot or equivalent accessible voting system available to voters at all local elections, including special elections.

The Secretary of State's Office purchased the devices in 2025 and arranged for their delivery to the municipalities in Spring 2026. They are to be stored by each municipality in between elections rather than, under the old system, returned to the Secretary of State's Office.

The city, town, or school district is responsible for arranging and paying the cost of programming the device for local elections. The State is responsible and bears the cost for programming state/federal elections.

Place the tablet in the accessible voting booth provided by the Secretary of State for that purpose. This booth is ideally set up near the moderator's post by the ballot box/ballot counting device, to permit the moderator to readily receive

the ballot by hand in a privacy sleeve.

The OmniBallot system must be tested prior to each election. If you are a machine counting device town and you haven't tested your device, you must test together following the guide to marking a test deck. If you have already tested your device or are a hand count town, then test upon receipt or your marking file and ballots.

Turn on and test the OmniBallot before the polls open. Check the tablet regularly throughout the day. If the screen is dark during an election, the system may have not been turned on as required. It is important to follow the steps specified on the instruction sheet. Most problems with starting the device arise from performing the steps out-of-order.

The OmniBallot must be set up and available for use by all voters in all elections. No voter is required to disclose their disability in order to use the OmniBallot. Any voter may use the machine, regardless of disability status, upon request. Do NOT ask a voter what disability they have, or why they need to use the machine.

If you have technical problems in setting up or testing the device, review your tablet's instructions and call Democracy Live. If any problem is experienced while a voter is present, call the Election Division Help Desk promptly: (603) 271-8241.

Voter Requesting Assistance Marking Ballot

A voter requiring assistance with marking his or her ballot must first declare to the moderator that he or she cannot mark the ballot without assistance. The moderator must make the voter aware of the option to vote privately and independently using the accessible ballot marking system. If the voter nonetheless prefers assistance, the moderator arranges the assistance. The voter may choose the assistance of an Inspector of Election or a person of the voters choosing. However, the voter may not choose the voter's employer or union official. RSA 659:20; 52 U.S.C. §10508. The person requesting assistance and the person providing assistance must then declare the following oaths in front of the moderator (a template of the following oaths is available in the appendix).

The Oath of the Voter:

- I, ____, do solemnly swear (or affirm) that I am unable to mark a ballot and require assistance in voting.

- The Oath of the Individual Assisting the Voter:

- I, ____, do solemnly swear (or affirm) that in providing assistance to ____ (the voter), I shall mark the ballot as directed by him/her and will not unduly influence his/her decision with respect to selecting any candidate or issue presented on the ballot and that I shall thereafter give no information regarding same.

A Person Whose Physical Disability Prevents Them From Signing Their Name

Accept and treat as valid an absentee ballot application or an absentee ballot affidavit envelope that has no signature on the line for the voter's signature but does have the printed name and signature of a person who assisted the voter. Voters with a disability should sign these forms if able, but if not able the signature of the person assisting is sufficient.

Assistance at the Polls to Persons Who Are Unable to Communicate

Persons with Alzheimer's disease or persons with other disabilities, who are otherwise qualified as voters, must be allowed to vote if they can communicate their choice on how the ballot should be marked. Any means of communication that a stranger can understand is acceptable. This might include communication such as blinking their eyelids once for yes and twice for no, or tapping a finger once or twice, as the person assisting them reads off the choices.

Do not authorize a family member or friend to mark the ballot based on how the family member or

friend believes the voter would have voted had the voter been able to communicate a choice. However, a voter may choose a family member for assistance.

A person with a power of attorney is not allowed to vote for such person or any other voter. The power of attorney does not extend to voting.

Both the voter and the person assisting the voter must take the oath required by law that is above. Afford the voter the opportunity to take the oath orally, in writing, or by any other means of communication. If the voter lacks the capacity to take the oath by any means of communication, they are not allowed to vote. RSA 659:20. A moderator considering denying a voter assistance in voting due to the voter's apparent inability to give the required oath or communicate the voter's choices to the person assisting, should first contact the Attorney General's Office election line at 1-866-868-3703. Circumstances that legally justify denying a voter with a disability the opportunity to vote with assistance are rare.

Outside the polling place, all voters have a legal right to seek guidance on how to vote and who to vote for from anyone they choose. Many voters with all levels of ability routinely make voting choices based on recommendations from family, friends, or other trusted sources. The law does not prevent this type of influence. The law only requires that the voter seeking to have assistance communicate, in any manner, the need for assistance and then their choices to the person they choose to assist them.

CURBSIDE VOTING

RSA 659:20-a, which enables an absentee ballot to be delivered outside the polling place, provides an emergency failsafe option if an unforeseen accessibility issue arises. This law was adopted to address a situation where a voter attempted to access an ADA compliant polling place and was unable to do so. Do not use this law in lieu of maintaining an accessible polling place. Outside absentee voting should not be used for a voter's convenience in place of voting absentee when a voter can anticipate difficulty getting into an accessible polling place. See the Duties of Selectmen and Accessibility sections for further discussion regarding how to make a polling place accessible.

An absentee ballot completed by a disabled voter under this provision shall be processed using the same procedure as any other absentee ballot until the polls close to voting. RSA 659:20-a. This absentee ballot needs to be added to the clerk's absentee ballot list and must be entered into SVRS like all other absentee ballots.

SERVICE ANIMALS

The Governor's Commission on Disability advises that under the Americans with Disabilities Act ("ADA"), organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where the public is normally allowed. When it is not obvious what service a dog provides, only two questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

For more information, visit:
https://www.disability.nh.gov/

Absentee Ballots

The moderator shall receive absentee ballots from the clerk prior to the closing of the polls or time set for processing of absentee ballots. RSA 657:23; RSA 659:49. Absentee ballots delivered through the mail or by a delivery agent shall be received by the town, city, or ward clerk no later than 5:00 on the day of the election. RSA 657:17.

DELIVERY AGENTS

The law authorizes only the following to serve as a delivery agent:

- The voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild;

- The administrator or administrator's designee of a nursing home, if the voter is a resident of the nursing home;
- The administrator or administrator's designee of a residential care facility, if the voter is a resident of the residential care facility; or
- A person who assists a voter with a disability with voting absentee and signs his or her name on the affidavit on the line for identifying a person who assisted the voter. This type of delivery agent is limited to delivering no more than 4 absentee ballots in any election.

A delivery agent shall sign an Absentee Ballot Return Form when delivering an absentee ballot on election day. RSA 657:17. As a best practice, clerks should request that delivery agents complete an Absentee Ballot Return Form when delivering absentee ballots to the clerk's office before election day. The form is available in SVRS Help Instructions.

PRE-ELECTION DAY

Organize returned absentee ballots with the attached voter's absentee ballot application alphabetically by last name. In cities also organize the absentee ballots by ward/district.

Separate returned absentee ballots envelopes that are marked "Not Registered" if the supervisors have not received the applications for absentee voter registration.

On the final checklist you will use at the election, highlight the names of voters who returned Absentee Ballot envelopes. Use a highlighter; do not pre-mark the voter as voting. If you do this in the days just before the election, it will be easier to find and mark each absentee voter on election day. It will also improve the accuracy of marking. Finding a name that is not highlighted will prompt the ballot clerk to double check that he or she has the correct name. Additionally, if you finish processing a section of the alphabet on election day and see a highlighted name not yet marked as voting, it will prompt a double check to confirm if this is a rejected absentee ballot or to find a checklist marking error.

Prior to election day, you cannot mark the checklist used at an election in any manner that could be misunderstood as documenting that the person voted. Doing so violates statutory election procedures and is a suspected source of inaccurate checklist markings regarding absentee voters.

At least 24 hours before the polls open, post the time when your polling location will:

- Cut open the Absentee Ballot outer envelopes without removing the affidavit envelope (the earliest time allowed by law is the time when your poll opens, which is highly recommended) RSA 659:49-b; and
- Process Absentee Ballots (the earliest time allowed by law is 2 hours after the polls open, which is highly recommended) RSA 659:49, I.

ELECTION DAY – ABSENTEE BALLOT PROCESSING OVERVIEW

Processing an absentee ballot occurs within the rail in an area chosen by the moderator. The chosen area should be in a position where appointed party challengers and the public are able to observe processing and hear the moderator announce each voter's name. The chosen area should not interfere with in-person voters checking in, using voting booths or privacy screens, and depositing their ballots in the ballot box or electronic ballot counting device. Only checking and marking the checklist, the final step before casting the absentee ballot, should occur at the check-in table(s).

1. When the polls open, the moderator shall announce the time at which the processing of absentee ballots shall begin. RSA 659:49, II.
2. Cut open the absentee ballot outer envelopes without removing the affidavit envelope at the posted time.
3. Deliver absentee voter registration forms returned by applicants in the outer envelope to

the supervisors. Keep the sealed absentee affidavit envelopes and outer envelopes together and set aside to process after the supervisors finish their review of registration applications.

a. The supervisors review the voter registration form, absentee registration affidavit, and supporting proof documents, then vote whether to add the applicant to the checklist.
b. If the application is approved, the voter's name must be added to the checklist in the same manner as an in-person election day registrant.
c. The moderator and supervisors should agree on an efficient way for the moderator to be informed of who is added to the checklist and/or when all pending absentee applications have been processed and all approved voters have been added to the checklists.
d. If the supervisors deny any applications, notify the moderator. The moderator will reject each applicant's absentee ballot as "not a registered voter."

4. For polling locations which use a paper checklist, group the absentee ballots into manageable batches in sections of the alphabet matched to the sections of the alphabet assigned to each check-in station. The batches can be organized in this manner prior to election day.

   a. For polling locations which use electronic pollbooks, the absentee ballots do not need to be placed into batches. However, election officials should coordinate and designate at least one electronic pollbook for processing absentee ballots only during the time noticed.

5. The moderator should staff as many people as necessary to open the mailing envelopes of all absentee ballots. With the time properly noticed, the mailing envelopes can be opened when the polling location opens. Train staff to keep the ballots in alphabetical groups.

6. With the time properly noticed, absentee ballots can be processed as early as 2 hours after the polling location opens to voting.

7. Publicly announce the processing of absentee ballots. Allow appointed party challengers and the public to observe processing from outside the rail in a position where they can hear the moderator's announcement of each voter's name. RSA 659:50.

8. For each absentee ballot:

   a. Verify the voter's name is on the checklist. At this step, if affidavit envelopes from voters who have also submitted an absentee voter registration are separated out, it is okay to rely on the clerk's list. You will still confirm that the voter is on the checklist at the final step when marking the checklist with a red "A.V."
   b. Determine if the voter properly executed the affidavit envelope.
      i. An affidavit is properly executed if the voter has completed the affidavit and signed it. If the signature is illegible, you must assume it is the voter's name. Do not compare signatures, as signature comparison has been struck down by court order.
      ii. Alternatively, the affidavit envelope is properly executed if there is no voter signature but there is a name and signature of a person assisting the voter. You must assume the voter has a disability which prevents the voter from signing their name and treat the affidavit as properly signed.
   c. Reject an absentee ballot based on failure to properly execute the affidavit if:
      i. There is no signature on the line for the voter's signature and no name or signature on the line for a person assisting the voter; or
      ii. The line for the voter's signature has a clearly legible signature and the name is

that of someone other than the voter.

9. Unless the voter is a confidential voter, publicly announce the absentee voter's name.

    a. If, after announcing the voter's name, they are challenged, follow the process for resolving voter challenges laid out in the Election Day Section.

10. At most polling places, each of these previous steps should occur one at a time. However, if a polling place has a high volume of absentee ballots to process, the moderator may appoint deputy or assistant moderators to simultaneously process batches of absentee ballots.

11. If processing a large volume of absentee ballots, have more than one moderator/deputy/assistant assigned to each alphabetical batch processed to this step. The absentee ballot must remain in the affidavit envelope and kept with the outer envelope until just before the checklist is marked.

12. Open the affidavit envelope so that the affidavit is not destroyed and remove the absentee ballot without unfolding or allowing the ballot to be examined. Confirm the affidavit envelope contains one ballot (or multiple ballots if that election issues multiple ballots to voters).

    a. During a primary election, confirm the voter's party matches the party of the ballot mailed. For an undeclared voter, confirm the ballot is for the party the voter requested according to the absentee ballot application.
    b. If the envelope contains an "Undeclared Voter Election Day Party Affiliation Change Form," give those forms to the supervisors of the checklist for processing. Do NOT keep in the envelope. After the election, the supervisors must enter "Undeclared Voter Election Day Party Affiliation Change Forms" to change voters back to undeclared into SVRS.

13. Reject the absentee ballot if the voter returned more than the permitted number of ballots. In a primary election, reject the absentee ballot if the voter returned a ballot from a party different than the voter's registered party or, for an undeclared voter, different from the party stated on the absentee ballot request form. Return rejected ballot(s) to the envelopes, seal the envelope, and mark the envelope and the clerk's list with the reason for the reject. A list of permitted absentee rejection reasons can be found in SVRS Help Instructions.

14. Working with the ballot clerk(s) managing the check-in for names in the alphabetized batch of absentee ballots, determine if the checklist is marked showing the absentee voter has already voted in person. Keep the envelopes containing the absentee ballots in alphabetical order and use a highlighted checklist to speed-up the process of finding a voter's name for polling locations which use paper checklists.

    a. If the voter has already voted, return the ballot to the envelope, seal the envelope, mark the affidavit envelope and the clerk's list "rejected voted in person."
    b. Preserve the rejected absentee ballot, seal the affidavit envelope, and keep the affidavit envelope with the outer mailing envelope (if used). Rejected absentee ballots are kept with other ballots from the election. Ideally, put the rejected absentee ballot envelopes in a larger envelope or box marked "rejected absentee ballots." Seal that envelope/box in the boxes of ballots from the election sealed after all ballots are counted and the results of the election are announced.

15. If the voter has not already voted in person, the ballot clerk must mark an "A.V." in red ink, make a checkmark in the box for checkmarks, and draw a thin line through the absentee voter's last name. At a primary, if the voter is

on the checklist as undeclared, write in the "Party" column the three-letter abbreviation (DEM/REP) for the party whose ballot the voter is casting. Repeat these steps for the entire batch of absentee ballots.

16. For absentee ballots that will be cast, separate the affidavit and mailing envelopes from the absentee ballot. Preserve the envelopes with the ballots from the election. RSA 659:52, 101.

17. Take the batch of absentee ballots to be cast to the ballot box or ballot counting device. Handle the ballots so that no one can see how the voter marked the ballot. Cast the ballot into the ballot box or ballot counting device. Keep the envelopes with the attached absentee ballot application secure until placed into the sealed ballot storage boxes after counting is complete.

Verification of In-Person Absentee Voter at Clerk's Office

RSA 657:17-a provides that if a voter returns a completed absentee ballot to the clerk's office in person and voluntarily shows the clerk a photo identification that meets the requirements of RSA 659:13 (the requirements for photo identification at the polling place), then the clerk must mark voter verified on the affidavit envelope (or write "voter verified" on the outer envelope if the affidavit envelope is sealed in the outer envelope) and record this in SVRS. The clerk's verification of the voter may provide the moderator with helpful information in the event of a challenge to the voter's absentee ballot. RSA 657:7; RSA 657:17-a.

Confidential Absentee Voters

A confidential voter is one who has requested the clerk or supervisors to treat the voter as confidential because the voter participates in the address confidentiality program under RSA 7:43 or has been granted a domestic violence protection order under RSA 173-B. **Do not announce** the name of a confidential voter. The moderator shall identify such voters as "confidential voter #1" and "confidential voter #2", and so forth. RSA 659:50.

Challenges to Absentee Ballots

All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter, except for confidential voters provided for in RSA 7:46 and those who have a valid protection order under RSA 173-B:4. Do not permit a challenge after the ballot is removed from the envelope. RSA 659:51, I.

If the absentee ballot is challenged, the moderator shall write on the envelope containing the ballot the word "challenged," number the ballot and write the name and address of the person making the challenge and the basis of the challenge on the envelope or on a form for that purpose. RSA 659:51, II.

For further information on challenges, see the Challenge of a Voter section.

Rejected Absentee Ballots

If the moderator determines the absentee voter is not entitled to vote, do not open the affidavit envelope. Mark the envelope as "rejected" with the reason, for example "missing affidavit," "rejected as not a voter," or "voted in person." RSA 659:53. Additionally, write this information on the clerk's list of absentee voters.

A list of the permitted absentee ballot rejection reasons can be found in SVRS Help Instructions and in the appendix.

Publicly announce the absentee voter's name and announce that the absentee ballot is rejected. Do not publicly announce the reason for the rejection. Record next to the name of the absentee voter on the clerk's absentee voter list the word "rejected" and the reason for the rejection. The moderator preserves unopened rejected absentee ballot envelopes using the same retention period as the cast ballots for that election. RSA 659:53.

When processing absentee ballots, moderators are authorized to open non-standard envelopes

from UOCAVA or the accessible system for voters with a print disability to determine if a signed affidavit is enclosed. These voters will print an affidavit on a separate sheet of paper that resembles the affidavit on an absentee ballot envelope. Voters with a print disability may sign the affidavit using their computer, resulting in a typed name. In either circumstance, if otherwise properly completed, treat the affidavit as satisfying the absentee voting law. If the moderator determines that the person is not entitled to vote, the moderator will reseal the envelope and then mark it in the same manner as any other rejected absentee ballot. Place rejected absentee ballots in a separate marked envelope/container. Seal that container into a container provided by the Secretary of State designated for "Absentee Voting Materials." The envelope/container of rejected absentee ballots can be placed in a box with the other absentee voting materials from that election. All absentee ballots that are rejected must be recorded in SVRS so that the voter can track to see if their ballot was accepted on the voter information lookup website.

Note: There may be observers monitoring absentee ballot processing who will seek to contact rejected absentee voters to encourage them to report to the polls in person to vote. Such a voter may vote in person if the ground for rejection was other than being ineligible to vote, i.e. affidavit not signed, no ballot in the envelope, no affidavit envelope. But if the initial rejection was because the supervisors found the voter ineligible to vote and the voter subsequently arrives to vote in-person, follow the in-person challenge process. Pursuant to court order, if the challenge is found to be well grounded, the voter must be given an opportunity to vote if they sign a challenged voter affidavit.

IMMATERIAL DEFECTS

The moderator shall not reject an absentee ballot for any immaterial addition, omission or irregularity in the preparation or execution of any required writing or affidavit. RSA 659:54. Immaterial defects include, but are not limited to, stray marks on the ballot, a tear in the ballot, a coffee stain, etc.

No absentee ballot that has been electronically transmitted to a UOCAVA voter shall be rejected for any ballot, envelope or affidavit weight, size or color, or any ink, font size, alignment or color. This means that the ballot must be accepted and counted even if the ballot is on paper that is heavier or lighter than regular ballots, is printed on an odd size of paper or in a different color ink or font. RSA 659:54-a.

Similarly, you cannot reject a ballot from a voter who used the accessible system for voters on the basis that the voter used a non-standard envelope, printed an affidavit on a separate sheet of paper resembling the affidavit envelope, or used their computer to sign the affidavit with a typed name.

Out of Ballots

The moderator should monitor the voter turnout and request the town or city clerk to prepare additional unofficial ballots if it appears that the polling place will exhaust the supply of official ballots. RSA 659:24; RSA 658:35.

If the official ballot supply is depleted, first use any remaining Absentee Ballots as election day ballots. Authenticate unused absentee ballots before using them as election official ballots. Best practice is for the clerk to draw a line through the word "Absentee" on the absentee ballot and then sign or initial the ballot before the ballot clerk issues it to a voter.

If the supply of absentee ballots is exhausted, use photocopies of the official ballot. Authenticate these unofficial ballots with the signature or initials of the clerk, deputy clerk, or assistant clerk prior to issuing the ballots to voters. Authentication distinguishes extra ballots from any fraudulently created ballots added to the cast ballots. Authenticating absentee ballots converted to election day ballots allows for matching the number of absentee ballots counted to the record of how many absentee ballots were marked as cast on the checklist during any post-election

review.

It is essential that the clerk and the moderator keep an accurate count of the number of absentee or photocopy ballots that are put into use as election day ballots. The total number of ballots used and issued to voters must be reported to the Secretary of State on the moderator's Post-Election Certificate. The total number of ballots used is an important number, because the moderator uses this number to compare with the total votes cast for particular offices or questions when reconciling the ballot count.

Only authentication marks, typically the signature or initials of the clerk, can be made on these ballots, otherwise, it is a misdemeanor for any election officer to place a mark on any ballot, except when marking a ballot at the direction of a voter with disabilities, extended hours, marking a spoiled ballot, or marking a challenged ballot. RSA 659:36; RSA 659:26-a.

The moderator should make his or her best effort to prevent the use of unofficial ballots from inadvertently compromising the secrecy of how the last few voters marked their ballots. For example, if only one unofficial ballot is used and the people who will be counting know who the last voter was, identifying the unofficial ballot would make it possible to tell how that person voted. When the ballots are examined during hand counting it should not be possible to tell how any voter voted by knowing who used the unofficial ballot. Try to have no less than ten voters use unofficial ballots, even if doing so means a few official ballots are not used prior to starting to use unofficial ballots; preserve the right to a secret ballot.

The accessible voting system, the OmniBallot tablet, prints the voter's choices on an official ballot. The marked ballot is identical to the ballots used by voters who mark their ballot with a pen. The OmniBallot remains a ballot marking system for use by all. Any voter is welcome to use the OmniBallot.

Time Allowed for Voting

RSA 659:25 authorizes the moderator to limit the time a voter can tie up a voting booth or voting privacy screen as well as the time the voter can remain within the guardrail. This statute now reflects the use of a voting privacy screen and the different processes for casting a ballot in a hand-count versus device-count polling place. RSA 659:25.

Plan Ahead for Excessive Lines

Excessive lines form at polling places when unpredictable problems arise. While ballot counting device problems are rare in New Hampshire, when a ballot gets jammed in the device or it otherwise stops taking ballots excessive lines too often occur. Prioritize maintaining the flow of voters through the polling place. Officials will be able to feed accumulated ballots through the ballot counting device later in the day.

Have a ballot box on site. As soon as a line of voters waiting to insert their ballot into the device starts to form, promptly put the ballot box into use. While any container suffices, having something that looks like a formal ballot box, that voters will recognize as legitimate, will diminish concern. Anecdotal reports and voter's phone calls to the Secretary of State's Office highlight the concerns that arise when voters are asked to deposit their ballot anywhere other than in the familiar ballot counting device. If you do not have a formal recognizable ballot box, consider adding a sign to any cardboard box put into use.

If you use a ballot box while your ballot counting device is out of service, be very transparent when you feed accumulated marked ballots into the device. Publicly announce to all present that the marked ballots deposited into a ballot box by voters will now be inserted into the ballot counting device.

Observers, Social/Civic Activities, & Exit Polling

Observers versus Challengers

A "Challenger" is not an "Observer."

An "Observer" is just a person exercising the right that any member of the public has to watch the conduct of the election from outside the guardrail. Observers have no special status in law. Like all members of the public, observers are entitled to silently observe the election as long as they are not disruptive.

Political parties, candidates, activist groups, and even the federal government may send individuals just to observe the conduct of elections in New Hampshire. Some of these observers may be attorneys or have received some training in the law of elections. These observers may characterize their effort as "Election Integrity" Or "Voter Protection."

Accommodate these individuals as much as is practical without allowing them to disrupt the election. The moderator should tell them that they must not interfere with voters or election officials. If the observer has a question or concern, he or she must bring that concern to the moderator, by silently or quietly signaling to the moderator or the moderator's designee, who should, as soon as is convenient, meet with the observer outside the guardrail.

Do not allow observers within 5 feet of the voter registration table where the exchange of non-public information between the applicant for registration and the election official receiving the information may be heard or seen. RSA 654:7-c. Unless the Moderator gives explicit permission, no observer may not be within six feet of the ballot clerk's check-in table. RSA 659:13-a.

Unlike observers, a "Challenger" is appointed by a state political party or by the N.H. Attorney General, and they must have a signed appointment letter from party chair or from the N.H. Attorney General. RSA 666:4; RSA 664:5. Although a Challenger may also do what an observer does, a Challenger's appointment confers additional statutory rights.

A Challenger has a statutory right to be positioned: (i) where they can hear voters check in; (ii) where they can see and hear the hand-counting of ballots during vote tabulation after polls close; and (iii) where they can maintain a line of sight on any electronic ballot counting device. RSA 666:4; RSA 664:5; RSA 666:5-a. In all three cases, the Challenger is still required to stay outside the guardrail.

Challengers also have the right to challenge a voter offering to vote at an election. RSA 659:27. Although registered voters in a town or ward also have the right to "challenge" another voter, a registered voter does not get the statutory right that an appointed Challenger has to be positioned in certain locations. Although a party-appointed challenger has the authority to challenge voters, they may also be tracking who votes and reporting back to their party's get-out-the-vote efforts. Some may also be trained to monitor the conduct of the election for the political parties or campaigns.

The Attorney General's Office is available on election day to address any concerns that a Challenger or an observer may have with election procedures. If a moderator is unable to easily resolve any concerns, or if a Challenger or observer insists that the law is not being followed, consider contacting the Attorney General's Office.

The Attorney General staffs a toll-free line with attorneys during each State election day: 1-866-868-3703. These attorneys are prepared to review the law and address any concerns with election law compliance.

Social and Civic Activities

No one can obstruct voters as they enter or exit the polling place. No one can electioneer within the polling place. Otherwise, there are no specific restrictions on exit polling. The same limits should be placed on people taking exit polls, girl scouts selling cookies, the flower club bake sale, or any

non-election activity that is allowed at the building where voting takes place. The best practice is to require anyone involved in any of these activities to set up outside the railed-in area and outside the usual and customary path into and out of the polling place. If available, the ideal place for such activities is an adjacent room. New Hampshire Constitution, Part 2, Article 32; RSA 659:9; RSA 659:43; RSA 659:44.

Tips for Ensuring Election Integrity

Public confidence in the legitimacy of elections benefits when those present understand the voting process and all activities at the polling place. Publicly explain what you are doing when something unusual or which may be misunderstood occurs. A public explanation will preempt protests from observers or public misunderstandings that harm confidence in the fairness of the election.

The prevalent use of social media and the ease of taking and distributing video with smart phones increases the risk that misinformation will be quickly and widely broadcast if someone misunderstands what is occurring.

For example, when a ballot counting device jams, voters may deposit ballots into a ballot box to be inserted into the counting device once the jam is cleared. If the moderator clears the jam and starts inserting those ballots without announcing it to the public, an observer may mistakenly believe the moderator is unlawfully casting multiple ballots. This could have been avoided if the moderator instead clearly announced what they were doing to everyone present before starting to insert ballots from a box into the device. And if inserting the ballots takes a long time, continually repeat this announcement so any newly arriving voters and observers understand what is happening.

Another common example is when the base under the ballot counting device reaches capacity. Monitor the bins under the device and empty the storage bins whenever they are nearly full. You must move counted ballots into the ballot storage boxes supplied by the Secretary of State. Someone seeing marked ballots being moved into a cardboard box may mistakenly believe they are witnessing ballot box stuffing or other fraud, and they can quickly spread misinformation about their observations. Prevent this situation by making a proactive public announcement informing all present about what you are doing and why.

Informing and educating those present at the polls about election day procedures enhances the free, fair, and transparent character of New Hampshire's elections.

RSA 659:34 through RSA 659:44 set forth numerous acts that are prohibited at elections. The moderator must report any violations of these statutes to the Attorney General's Office. RSA 659:45. Place a phone call to 1-866-868-3703 (toll free); (603) 271-3658. The Attorney General may request a written statement or report. Mail the report to the Office of the Attorney General, 1 Granite Place South, Concord, New Hampshire 03301-6397 or e-mail electionlaw@doj.nh.gov. At state elections, the Attorney General's Office will have dozens of attorneys and investigators working around the State who are available to respond on short notice to a polling place. It is often much easier to address concerns about voting procedures or voter qualifications on election day while the polls are open, so don't hesitate to contact the Attorney General's Office if you have concerns.

Voting During Extended Hours

RSA 659:26-a provides that if a court orders that the polls are to be kept open for extended hours, the moderator shall cause the ballots cast during those extended hours to be marked with the letters "EH." Mark the ballots before giving them to voters. Position the mark to avoid interfering with the marking or counting of the ballots. Make the mark uniform on each ballot. Mark ballots with offices/questions on one side, on the opposite side.

Cast and count “EH” ballots in the usual manner, but separate and place in a marked envelope/binder apart from the other ballots when stored. In the unlikely event extended hours are ordered, but a court later determines that people should not have been allowed to vote during extended hours, a court can order these ballots retrieved from storage, counted, and the votes cast removed from the totals for that election. RSA 659:26-a.

Closing the Polls

The moderator shall close the polls to further voting at the hour stated in the warrant or notice, unless a court order extends the hours. Everyone waiting in line when the poll closing is announced must be allowed to register and vote. If there is a line of cars waiting to gain access to parking or that are backed up on the road leading to the parking lot at the moment when the polls close to voting, these individuals also are entitled to vote.

The moderator must oversee the determination of who is at the end of the line, if one exists. If, at the moment the poll is closed, a voter is crossing a room or a parking lot to join the line, use common sense and a sense of fairness, and treat the voter as being in line. If the polling place parking lot is full and a line of cars is backed up waiting to gain access to parking, it is necessary to determine who is the last voter waiting in the line of cars at the moment when the polls close. Allow that voter and all ahead of him or her to park and get into the polls to vote. Moderators should enlist the assistance of law enforcement to try to prevent waiting lines of cars and if necessary to identify the final voter in line when the polls close.

If the moderator feels it is necessary, notify the Attorney General’s Office and Secretary of State in advance of the closing of the polls as soon as you anticipate that there will be a line of cars waiting to gain access to the polling place when the polls are scheduled to close to voting.

The public has a right to observe both voting and counting of ballots. Therefore, do not lock the doors to the polling place as a means of notifying those people who arrived after the polls are officially closed to voting that they cannot join the line of those who were at the polls before closing and are waiting to register and vote. Moderators should plan to have election officers and/or law enforcement officers available to prevent late arrivals from joining the line of those waiting to vote after the official hour for closing the polls has passed.

Printing the Results Report

For state elections, towns and cities that use electronic ballot counting devices are required to print and forward a paper copy of the “results report” to the Secretary of State. RSA 659:75. The results report is a report generated by the counting device that tallies the total number of ballots run through the machine.

Each ballot counting device—Accuvote, VotingWorks, and Frontier electronic ballot counting devices—have different processes for printing the results. Consult your ballot counting device manual and/or other resources offered by your vendor.

Guidance regarding the type and number of reports from each type of ballot counting device which need to be printed at the end of the election is available in SVRS Help Instructions. Overall, print at least four copies of the final results report:

- One to be kept by the clerk as a public record;
- One to be kept by the moderator to use if questions arise regarding the results;
- One to be sent to the Secretary of State along with the Return of Votes;
- One to post publicly.

Documents generated during the tabulation of votes shall be available for public review when the election results are announced at the polling place. The moderator must ensure the integrity of these records, either by closely monitoring the records during their review by the public, or by making and providing photocopies for public review.

Results Reports Posted Within 60 Minutes

At polling places that use a ballot counting device, the printed results from the ballot counting device shall be posted for public review at the polling place within 60 minutes of running the last ballot through the ballot counting device(s). Print an extra copy from each device for this purpose.

If the counting and tabulation process is not yet complete at this moment in time, best practice is to announce and post a notice with the posted record that it contains only partial results and may not reflect the final outcome of the election. If the counting and tabulation process is complete, best practice is to post the results tape/report with the final election results in a manner that clearly shows what results came from the device, what results came from hand counting, and the final results.

Counting of Votes

General Considerations

The moderator oversees the counting of votes by other election officers, including the selectmen and town clerk.

The moderator discharges other duties relating to the counting of votes. The moderator directs how to set up the voting area for the counting process. No ballot shall be placed within 4 feet of the guardrail during the counting of votes. RSA 659:63. Devise an accurate and easily understandable system for counting ballots, which expedites the process. RSA 659:60.

Absentee ballot processing must be complete before ballot counting starts. RSA 659:61.

The moderator may select volunteers to assist election officers in counting ballots. These volunteers must be voters in the town or ward or 17-year-olds who would be qualified as a voter were they 18 years old. RSA 658:7 gives the moderator authority to appoint such election officials as he or she deems necessary. Swear in these volunteers as election officers pro tem. As election officers, the volunteer ballot counters are swearing or affirming that they will perform their duties lawfully and they become subject to criminal prosecution for official misconduct pursuant to RSA 666:3. Written oaths must be completed and filed with the clerk. RSA 42:1; RSA 42:7; RSA 42:8; RSA 658:4.

Errors occasionally occur during the calculation of vote totals. Errors sometime occur when votes from different counting tables are added together, when totals of hand-counted ballots are added to totals on the results tape from device counted ballots, or when results from tally sheets are transcribed to the Return of Votes. Counting is often completed by election officers who have been on duty for 10-12 hours prior to the start of counting. Adding checks and balances to the counting process requires additional time and/or personnel, but it will be easier and cheaper than conducting a recount. Counting errors negatively affect the legitimacy of the election process and the public trust in elections.

Moderators are encouraged to consider using one or more techniques for avoiding counting and tabulation errors.

In towns using ballot counting devices in party primaries, moderators must order and print out the “long report” tape so that “ballots cast” totals can be obtained for each party. RSA 659:73.

To minimize the chance of inadvertent mistakes, moderators are encouraged to use an election official who has experience as a bookkeeper, accountant, math teacher, town treasurer, or other similar experience. Have a “numbers” person reconcile the results on election night. Provide the forms to them in advance to prepare a plan. Ideally, a person with these skills who does not otherwise work the polls or participate in the counting would join the process at the end. This person should compare the votes in each contested race with the tallies of voters and ballots cast.

Prior to reconciling, double check that the ballot box is empty, that there are no uncounted ballots. In a ballot counting device town ensure that the

primary bin (fully counted ballots), the diverter ballot bin (ballots with write-in votes), both located under the device cover, and the side ballot bin accessed via the door on the side of the device base (bin for ballots to be hand counted) do not have any ballots.

Tabulation is Public

The tabulation of votes shall be public and conducted within the guardrail. RSA 659:63. Counting and tabulation may not be adjourned nor postponed until complete. “Tabulation” means the aggregation of results from the printed results from ballot counting devices and from hand counts, including determining who received write-in votes.

Documents generated during the tabulation of votes shall be available for public review when the election results are announced at the polling place. The moderator must ensure the integrity of these records, either by having the records closely monitored during their review by the public or by having photocopies made, providing only the copy for public review.

At polling places that use a ballot counting device, the printed results from the ballot counting device shall be posted for public review at the polling place within 60 minutes of running the last ballot through the ballot counting device(s). Have the device print an extra copy for this purpose. If the counting and tabulation process is not yet complete at this moment in time, best practice is to announce and post a notice with the posted record that it contains only partial results and may not reflect the final outcome of the election. If the counting and tabulation process is complete, best practice is to post the results tape/report with the final election results in a manner that clearly shows what results came from the device, what results came from hand counting, and the final results.

Determining the Intent of the Voter

The overriding consideration of how to count a ballot is the voter's intention. Determining the intention of a voter ultimately requires a commonsense judgment by the election officials. Remember: a core purpose of our election laws and their application is to enfranchise as many qualified citizens as possible and to accurately count their votes whenever possible. RSA 659:64. This means that the determination of what counts as a legal vote “should not be decided on the basis of unwarranted technicalities.” *Appeal of McDonough (Ballot Law Comm'n)*, 149 N.H. 105, 112, (2003). For more information on what counts as a legal vote, see the What Constitutes a Legal Vote section.

Ascertaining the Final Count

Ideally, the sum of all votes, the total of the votes for all candidates and write-ins, plus the total number of overvotes (choices in a contest which are given up by a voter when they mark more choices than instructed in the “Vote For Not More Than 1” or “Vote for up to X; X will be elected” instructions on the ballot) and undervotes (choices not made by the voter in a contest on the ballot) should equal the number of ballots used and the number of voters marked on the checklist as voting.

The results tape will report 0 overvotes because overvoted ballots are returned (rejected) by the device and must be hand counted.

The number of overvotes must be determined in the hand counting process. For each race and question the results report will report the number of undervotes. Your results are facially invalid if the sum of all votes, that is the number of votes cast for candidates (including undervotes, overvotes, and write-in votes) or the total number of “yes” plus “no” votes (plus overvotes and undervotes) for a question is greater than the total number of ballots used or the total number of voters checked off as voting. A few extra minutes of checking on election night can easily identify a tallying mistake and avoid both a loss of public confidence in the ballot counting process and the time and expense of a recount.

Counting and Tabulating at Additional Polling Places

The moderator may, in writing, order the assistant moderator to process absentee ballots and to count votes cast at the additional polling place in the presence of and with the assistance of the assistant town clerk and election officers assigned to that polling place, in the same manner as at the central polling place. After absentee ballots are processed and counting is complete, the assistant moderator shall place the:

- Counted ballots;
- Duplicate checklists used at the additional polling place;
- Absentee envelopes;
- Spoiled ballots; and
- Unused ballots

in the ballot box and shall seal it. The assistant town clerk shall certify the same.

The assistant moderator with the assistant town clerk shall immediately deliver the ballot box with its contents and a written report of the count signed by both to the moderator at the central polling place. RSA 659:59.

The moderators should direct additional polling places that use ballot counting devices to produce the long tape/Polls Closed Report reporting the totals cast at that polling place and then "end" the election on the device before moving the device, ballots, and the tape to the central polling place. The assistant moderator must report the results at the additional polling place. More than one election official seals and transports ballots. At partisan elections, allow at least one election officer affiliated with each party to serve as witness to the sealing and transportation.

At the central polling place, the elected moderator will oversee tallying of the votes from all polling places and will announce the aggregated results.

If the moderator does not order that the ballots be counted at the additional polling place as provided in RSA 659:59, the assistant moderator at the closing of the polls shall seal the ballot box containing the cast ballots. Seal the box in the presence of the inspectors of the election. The assistant town clerk assigned to the polling place certifies the sealing of the cast ballots in the ballot box.

Challengers Observing Ballot Counting

A challenger appointed by the chairperson of a state political party or by the N.H. Attorney General has a statutory right to be positioned outside the guardrail where they can see and hear the hand counting of ballots during vote tabulation. RSA 666:5-a. The right to see and hear the hand counting of ballots does not mean that the challenger can see how each ballot is marked as it is counted. The opportunity to see how each ballot is marked and how the tally sheet is being marked is provided at a recount, but it is not practical at an election night count where all challengers and members of the public must remain at least 4 feet away.

The moderator should instruct any challengers and observers regarding how to alert the moderator if they believe that ballots are not being accurately counted or otherwise have concerns with counting. There is no authority nor mechanism for a challenger or observer to protest how a particular ballot is being counted. Unless the moderator concludes the counting was not being done properly and directs further counting to correct process errors, the only option is to seek to have a candidate request a recount.

To satisfy the requirements of this law, moderators need to ensure the layout of the area within the guardrail where ballot counting occurs is sufficiently close, but no closer than 4 feet from the rail, so that all challengers, and preferably all observers, can see and hear the hand counting.

At the same time, the ballot counting device must be in the "line of sight" from the designated spot for challengers to observe hand-counting. RSA 666:5-a. "Line of sight" in this context means an unobstructed view. For example, the hand-counting table and staff cannot block a

challenger's ability to see the ballot counting device. Line of sight does not require any specific proximity. The challenger should be able to see enough of the ballot counting device to see the printing of the results tapes and the emptying of the different bins under the device where ballots are stored. If the usual setup does not satisfy this new requirement, the moderator should consider moving the hand count tables, the ballot counting device, and/or the rail to achieve a compliant setup.

Keep in mind the new provision in the disqualification statute allows election officials who are disqualified from handling or counting marked ballots to do other work within the rail, provided they are outside the area designated for ballot counting, results aggregation, and reconciliation. RSA 659:58.

Reporting the Results

After counting all state election ballots, the moderator must provide the clerk the official election results.

The town or ward clerk must report the results on the Return of Votes forms provided by the Secretary of State by 8:00 a.m. on the day following the state election. Subject to rules established by the city clerk, the ward clerk should send copies to the city clerk. The Names on Checklist form, Ballots Cast form, and Post-Election Certificate must be submitted to the Secretary of State within 48 hours after the closing of the polls, unless the Secretary of State directs otherwise. Many moderators find it easiest to complete these reports on election night. The city or town clerk retains a copy of the Return of Votes, Names on Checklist, Pre-election Certificate, Post-election Certificate, and Ballots Cast form, as well as any tally sheets and reconciliation worksheets used for the election. Moderators should keep copies of these documents to answer any questions following the election. RSA 652:14-c; RSA 659:73; RSA 659:75.

At polling places that use a ballot counting device, both the zero-tape run before the polls open to voting and the results report/results tape printed after the polls close to voting must be kept with the moderator's work sheets by the clerk. Do not seal these reports into the boxes with the ballots. A copy of the results report/results tape must be sent to the Secretary of State with the Return of Votes on election night.

The supervisors certify the marked checklist before the election and the clerk and moderator certify the marked checklist after the election. The marked checklist is submitted to the clerk, who shall allow the supervisors of the checklist/registrars to scan barcodes of those who voted, return voters to undeclared after a primary, enter new voter registrations, etc. RSA 654:29; RSA 659:56; RSA 659:57; RSA 659:73; RSA 659:74; RSA 659:102.

Declaring the Results

Publicly declare the results of the election. Announce write-in votes, even votes for fictitious or historical figures, in some manner. Some voters will test the ballot counting process by writing in a name they believe no one else would write in and then check to see if election officials count that vote. Posting a copy of the worksheet documenting every write-in vote is sufficient if there are too many write-ins with few votes to announce orally. The New Hampshire Constitution, Part 2, Article 32; explicitly requires the moderator to "make a public declaration thereof, with the name of every person voted for, and the number of votes for each person." RSA 659:70.

The availability of the number of overvotes and undervotes for each office and question allows anyone to conduct their own reconciliation, to test whether the results appear to be valid. It is essential that all write-in votes be included in the disclosure of the results. Otherwise, the total of all votes, including write-in votes, overvotes, and undervotes will not match the number of ballots cast nor the number of voters marked on the checklist as voting.

If a town or ward comprises an entire Representative district, the moderator shall declare the state representative(s) elect. RSA 659:82. The Secretary of State declares the state representatives elect for multi-ward or multi- town districts. RSA 659:81. The Governor (for federal offices) or Secretary of State (for state and county offices) will certify officers-elect after all applicable recounts and appeals have expired. RSA 659:84.Across the United States, one area of election administration that is subject to public scrutiny and criticism is the process by which numbers are transmitted from polling place officials to the state officials who determine the official results of regional and statewide contests. One way to reassure suspicious voters is to make the results from each polling place easily accessible at the polling place and locally, so that the voters can compare what local election officials say the results are with the results reported by the Secretary of State. Moderators should post a copy of the written results at the polling place on election night. The clerk should post a copy at the clerk's office or keep them available to the public at his or her office.

Return of Votes

The "Return of Votes" will list all the offices and questions voted with a place to record the number of overvotes and the number of undervotes for each race and question. This is a public record. Anticipate that the public, media, campaigns, etc. will use the data on the return of votes to calculate whether the sum of all votes, that is the total votes for all candidates, total overvotes, total undervotes, and total write-in votes add up to the reported number of ballots cast and reported number of voters who voted. This reporting requirement makes it easier for anyone to check for a discrepancy in the results.

This public record will allow anyone, for any race, to add the reported votes for each candidate, the reported write-in votes, and the reported overvotes and undervotes to determine whether this total matches the reported ballots cast and the number of voters marked as voting on the checklist.

The number of overvoted races or questions must be determined as part of the tallying of hand counted votes for each race or question.

To determine the number of undervotes in each race, the moderator must:

- For device counted ballots, print a long results tape and factor in the number of ballots in each race the device reports as blank or undervoted;
- For hand counted ballots have the election official who is tallying keep track of how many undervotes (all ovals left blank for that race or question or in a vote for some number greater than 1, the number of authorized votes that the voter did not mark) there are in each race and question; and
- Add the results from the tape and hand count tally to determine and report the total number of undervotes for each race and question on the Return of Votes.

The law requires that the Return of Votes be delivered to the Secretary of State's Office on election night. Clerks deliver the election night forms to a designated local drop-off site. The New Hampshire State Police pick up and deliver to the state capital overnight. The return of votes is a public document, subject to disclosure under the Right-to-Know law.

Post-Election Certificate

The Secretary of State's Office requests that the post-election certificate be completed and returned election night with the Return of Votes. The Post-Election Certificate must be submitted within 48 hours, unless the Secretary of State requires it to be submitted at a different time. RSA 659:73, III.

Certification of the Checklist

After closing the polls at a state election, the moderator and town or ward clerk shall certify on the checklist that it is the checklist marked by the

ballot clerks, under the supervision of the moderator, throughout election day and on which the names of those who registered on election day have been entered. RSA 659:56. This certification is important if the checklist becomes evidence in a court case.

The checklist printed from SVRS includes, at the end, a page with statistics on the number of voters as of the printing of the checklist and places for the certification before the election by the supervisors of the checklist and certification by the moderator and clerk after the polls close.

The election night certification by the moderator and clerk is a separate and different certification from the certification by the supervisors of the checklist, which is required before the election. After making the final pre-election additions and removals from the checklist, the supervisors are required to certify two copies of the checklist and file them with the clerk. RSA 654:29. Election officials in hand count towns must use both certified copies as the checklist for the election; election officials in machine count towns must use one certified copy as the checklist for the election.

Sealing and Certifying Ballots

Seal ballots into storage boxes immediately after the votes at a state election have been tabulated, the results have been announced, and the return prepared. The moderator or his or her designee, in the presence of the selectmen or their designee, shall place the:

- Cast (counted) ballots
- Cancelled (Spoiled) ballots;
- Uncast (ballots not used) ballots; and
- Ballots from any additional polling places;

in the containers provided by the Secretary of State designated for ballots.

They shall place the:

- Successfully challenged absentee ballots;
- The empty absentee ballot affidavit and mailing envelopes, with the absentee ballot application attached;

in the containers supplied by the Secretary of State designated for “Absentee Voting Materials.” RSA 659:97.

At a primary, the best practice is to store the cast ballots from one party separately from the cast ballots from the other party. Note on the seal which party’s ballots are in each container.

The moderator or his or her designee shall enter the following information on the label for resealing ballots in the appropriate place: the number of ballots cast, canceled and uncast, and the moderator and selectmen, or their designees, shall endorse the sealer. RSA 659:95; RSA 659:97. The law and the label call for the number of each type of ballot placed in the container to be reported on the label. This requires a hand count of the ballots going into each container. A hand count should be done, but if it is not, ensure that the number written on the label reflects what is known about the contents of the container. For example, if all the cast ballots are put into three containers without counting how many are in each box, the label should clearly report that total number placed in boxes __, ___, and ___ filling in the container numbers placed on all of the containers with cast ballots. Example: “2368 cast ballots in boxes 1, 2, and 3.” The label is not designed for this type of entry, so it will be necessary to use the margin to make the entry on the label accurate.

The moderator seals the containers in public. Use the following steps to seal a cardboard box of ballots for storage:

1. Seal the flaps closed and secure all sides of the box with filament tape. Box bottoms or sides only secured by the original glue sometimes break open during transport and storage, circle the entire box with tape on two dimensions.
2. Complete the information on the “Label for Resealing Ballots.” Affix this label onto the box over the flaps.

3. Using red tamper-evident tape, wrap one strip of this red tape completely around the box, covering an edge of the resealing label. Put a second strip of tape completely around the box at a right angle to the first strip. This security tape changes appearance if it is pulled loose after being sealed, creating evidence that the box has been tampered with.
4. Stick a short strip of the red tamper evident tape over each edge of the "This Package Contains" election night seal.

Note: Effective January 1, 2027, the Secretary of State Official is required to provide to each town and ward clerk secure, durable, reusable, transportable, stackable, and marked containers to be used for preserving ballots with locks, tamper evident sealers, and registration or serial numbers for each marked container. The Secretary of State's Office will provide updated guidance at the time these containers are provided to each town and ward.

Do NOT seal the copy of the Return of Votes, all ballot counting device results reports, pre-election certificate, post-election certificate, returned to undeclared checklist/forms (state primary), worksheets, tally sheets, official checklist, absentee ballot lists, and challenged voter affidavits (if any) in the secured ballot boxes. These documents may be necessary to resolve tabulation questions following election night and investigations of voters who did not present voter IDs. Sealing tally sheets and working papers from the ballot count in the box of ballots prevents a review of the count of votes, since the ballot box cannot be accessed without:

- A recount;
- A court order; or
- A request of the Secretary of State and the presence of a state election official when opening the box. RSA 659:75.

Ambiguities or apparent errors in the Return of Votes and Ballots Cast figures discovered by the Secretary of State following the election can often be quickly resolved with a high degree of confidence if the moderator and clerk can review their tally sheets and working papers used to reach the numbers reported on the Return of Votes.

Delivery of Ballots to Clerk

The moderator, or their designee, and the selectmen, or their designee, after having publicly sealed and certified the state election ballots, shall deliver the sealed containers to the town or city clerk, or his or her designee. In their presence, the clerk shall enter the time and his or her signature on the sealer. RSA 659:98.

The moderator, or their designee, shall deliver the Challenged Voter Affidavits and Asserting a Challenge forms to the town or city clerk, or his or her designee. RSA 659:13; RSA 659:103; HAVA Section 703.

Disqualification of Officials

If an election official other than the moderator is disqualified, the moderator shall appoint an assistant who shall perform the same duties until the official can properly return. RSA 659:58. See the Disqualification of Election Officials section for more information.

Moderator Duties – Local Elections

Postponement of Municipal Elections

RSA 669:1 authorizes a Moderator to postpone a municipal election under limited circumstances:

- National Weather Service issues a weather event warning for election day, which the Moderator reasonably believes may cause the roads to be hazardous or unsafe; or
- Accident, fire, natural disaster, or other emergency which may render site/building to be used for the election unsafe

The authorization in RSA 669:1 is also repeated in RSA 40:4. The municipal election is referred to in the statute as the "official ballot voting day."

To the extent practical, the Moderator shall consult with:

- Governing body;
- Clerk;
- Police, Fire, Road Agent, and/or Emergency Management Director as appropriate.

The Moderator shall document the decision to postpone the election and shall notify the Secretary of State by phone or e-mail within 2 hours of making the decision. If the notification is on behalf of more than one town (multi-town school district, etc.) include information on all towns being postponed.

When a ballot to be used at an election which has been postponed contains questions that are to be voted on simultaneously by more than one town, such as those relating to village, school, or water districts, the postponement of an election shall apply to all towns voting on that issue at the election.

The moderators of the towns involved, after consultation with respective town officials, shall communicate with each other to reach a consensus on the postponement. In such instances, one of the moderators shall be selected to document the communications and notify the secretary of state.

If a consensus cannot be reached, the election shall be postponed if a majority of the moderators vote to postpone.

Town Moderators shall coordinate postponing School District and/or Village District Elections held in conjunction with a town election. RSA 670:1-a; RSA 671:22-a.

The decision to postpone shall be made on the day immediately prior to the election at any time before 6:00 p.m. This restriction applies to weather related postponement. If the town hall burns down or some similar catastrophe occurs shortly before election day and time is needed to arrange a substitute facility, earlier postponement and notice to voters is appropriate.

If a special state election is scheduled for the date of the town election, this section shall not apply (the election may not be postponed). There is no statutory authority to postpone a state election.

The statute prescribes that:

- Postponed elections are to be held on Tuesday two weeks following the original date.
- All related deadlines are extended the same two weeks.
- No additional session of the Supervisors before the postponed election is required.

If the postponed election follows the business meeting, the Moderator's term is extended through the completion of all election day duties or until the qualification of a successor, whichever is later.

- School district elections coordinated with or held in conjunction with the town election are subject to this section.

The Moderator and Governing body shall employ all reasonable means to notify voters:

- Of the postponement;
- The new date for the election;
- How to obtain an absentee ballot if the voter qualifies to vote absentee on the new election date.

If practical, post notices at the:

- Location of the election;
- Municipal offices;
- Website of each unit of government (town, school, village district), whose election is postponed.

To the extent practicable, the town clerk may decide to be at the location of the originally scheduled election, during what would have been normal polling hours, to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots.

The town clerk may designate a deputy clerk or assistant to provide this service, provided the

individual has taken an oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.

The ballots prepared for the original date are to be used at the postponed election, notwithstanding that they will have the earlier date on them.

The clerk shall include with all absentee ballots issued on or after the original date of the election a notice explaining the deadline for returning absentee ballots for all absentee ballots issued for the postponed election.

The deadlines are:

- 5:00 p.m. on the day before the postponed election (Clerk's office must be open from at least 3:00 p.m. to 5:00 p.m.); or
- If delivered by a delivery agent to the clerk at the polls on the new election day, by 5:00 p.m.

If otherwise properly submitted and the voter has not voted in person, count:

- All absentee ballots submitted that would have been counted on the date of the original election,
- All absentee ballots submitted for the original date of the election which arrive after that date, but before 5:00 p.m. on the date of the postponed election; and
- All absentee ballots submitted to be counted at the postponed election.

If the voter has not voted in person before absentee ballots are cast, count an absentee ballot submitted for the original election date even though the voter is present in town/able to appear at the polls at the rescheduled election. RSA 669:1-a, IX.

Postponement of Business Session

The moderator has had and continues to have authority to postpone the business meeting. RSA 40:4. To the extent practical, prior to deciding to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, the road agent, and the local emergency management director. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates. RSA 40:4.

For Elections and Meetings, for the purpose of determining compliance with statutory deadlines use the date of the original meeting. The second session of SB2 town meetings, the election, may also be postponed in accordance with RSA 40:4, II(b) and RSA 669:1.

City elections, governed by RSA 44:11, may be postponed in the manner provided for in RSA 669:1, except that the authority of the moderator is vested in the City Clerk.

The statute defines the day generally understood as "election" day as: "Official ballot voting day." Both terms mean the day on which voters in a town vote on the election of officers or other questions authorized by law to be voted on by official ballot, or both, in compliance with the procedures for elections for the partisan official ballot system as set forth in RSA 669:12 or the nonpartisan official ballot system as set forth in RSA 669:19 through RSA 669:22, RSA 670:5 through RSA 670:7, and RSA 671:20 through RSA 671:30, including all requirements pertaining to absentee voting, the polling place, and polling hours."

Voter Registration During the Two-Week Postponement

During the two-week postponement period a clerk may not take in-person voter registration applications. The period during which applicants cannot register in person with the clerk is one of the deadlines that are extended for two weeks when a decision is made to postpone the election.

A person who will be voting absentee at the postponed election may, however, apply for absentee voter registration during the two-week period. This typically would be a person who planned to register and vote at the polls on the

date of the scheduled election. The person will be absent on the date of the postponed election. The clerk must retain the completed absentee voter registration package and provide it to the supervisors on election day. The supervisors treat this as an election-day registration. The absentee ballot is counted if the supervisors approve the voter's application.

Recounts in Local Elections

Recounts for Town Elections

Requests for recounts are filed with the clerk, who will schedule the recount. The moderator along with the town clerk and board of selectmen constitute the board of recount and shall recount the ballots. If one of the members of the board of recount is a candidate for the office being recounted, the moderator shall appoint an assistant to serve in the same capacity. RSA 669:32. The statute does not explicitly authorize the moderator to appoint other election officers to assist the board of recount, however, it is common practice for moderators to do so.

Recounts for School Elections

The board of recount in a school district election is made up of the school district clerk, the school district moderator, and the members of the school board. RSA 671:32, II. As with town recounts, it is common for the school moderator to appoint election officials to assist the board of recount.

Recount Procedures

The Board of Recount has responsibility for determining the process for conducting the recount. The Secretary of State has adopted rules of procedure for recounts. Boards of recount may wish to consider adopting similar rules. See sample recount procedures in the appendix.

Send every candidate for the office(s) that is going to be recounted and each of the persons who have requested the recount of a question a written notice.

The clerk, ideally in coordination with the board of recount, sets the date, time, and location for the recount.

Include in the notice a written description of the process the board of recount plans to use to conduct the recount. If the process involves the use of more than one team of officials counting, the notice should state the maximum number of teams anticipated. It should advise that the candidates or persons requesting the recount must have a sufficient number of assistant observers present to observe each counting team. If they fail to have an observer for each team, they waive the opportunity to do so. The notice should state that each observer will be afforded an opportunity to see, but not touch or handle, each ballot. If the observer wishes to protest how the recount team is counting a particular ballot he or she needs to do so at the moment in time when that ballot is being counted by the team. That will be the one and only opportunity the observer will have to protest how the board counts that ballot.

Adopt a system to identify each ballot that any observer protests. Typically, these ballots are segregated into a separate pile at each counting location.

Before totaling the team tallies, the board of recount should rule on each protested ballot. By ruling on protested ballots before the team tallies are totaled the decision on each protested ballot is made before it is known whether the decision will affect the outcome of the election. This reinforces the neutrality of the recount process.

Determine the intent of the voter for each protested ballot by a majority vote of the members of the board of recount. RSA 659:64. If the majority of the board of recount determines that a ballot is to be counted as a vote for a particular candidate, that vote, even if the ballot is further protested, must be added to that candidate's total votes.

Give the candidates or the persons requesting the recount of a question an opportunity to protest the decision of the board of recount. When there is a protest of the board's decision, the board must adopt some system to document how it ruled on

each ballot. Include the vote from that ballot, as determined by the board of recount, in the total of votes credited to the candidate. Courts will typically examine only the ballots protested at this second step when hearing an appeal of the recount.

The system used to document the board's decision and to identify the ballot as a protested ballot must not add marks to the ballot or alter the ballot in any way that might affect the ability of a court on appeal to examine the marks made on the ballot by the voter.

One approach is to staple a sequentially numbered piece of paper to each protested ballot, writing on the paper the board's decision. Write on the paper either the name of the candidate(s) who is credited with a vote from the ballot or the word "yes" if the ballot is to be credited as a yes vote on a question or the word "no" if the ballot is to be credited as a no vote on a question.

Appeals from decisions made by a board of recount typically are limited to disputing the Board's decision on how it counted specific ballots.

Preserve protested ballots in the same manner as the other ballots from the election, but segregated in a separate sealed container so that the clerk can produce specific protested ballots for review by the court hearing the appeal. Parties to the appeal will likely want to obtain copies of the protested ballots in advance of the hearing on the appeal. The clerk must have at least one witness present whenever opening the segregated sealed container of protested ballots to make copies for the parties. Best practice is to give the parties notice of a date and time when this will occur, allowing all interested parties to observe the process. After making copies, the protested ballots must be re-sealed into the segregated container and preserved.

Rules of Order for Town Meeting

Just like elections, moderators control meeting-day activities. Some moderators find it helpful to adopt rules of order.

Established systems of rules such as Robert's Rules of Order generally are too complex and afford too much opportunity for individuals with extensive knowledge of the rules to gain unfair advantage. A simple set of rules may be more helpful. Some moderators announce the rules and post them at the meeting place. Include a notice in the rules that voters may move to overturn any rule or procedural decision made by the moderator.

Provide voters with notice that if they believe the moderator has made a procedural error, is cutting off debate prematurely, or has made a mistake in declaring a result the voter needs to immediately put the moderator on notice through a motion to overrule the moderator or in the case of the declaration of a vote, a motion for a secret paper ballot vote.

When the Attorney General's office reviews complaints of procedural errors by a moderator it shows additional deference when the record of the meeting establishes that the complaining party had notice of the right to move to overrule the moderator or for a paper ballot vote on a question.

Checklist of Responsibilities for Moderators

PRIOR TO ELECTION DAY

_____ Take the oath of office before engaging in the duties of the position.

_____ Provide the clerk with your contact information and update the clerk with any changes.

_____ Designate two or more inspectors of election, one from each party, to act as ballot clerks at each check-in station. Other election officials such as assistant moderators or selectmen can also be assigned ballot clerk duties.

_____ Appoint additional election officials, as needed, including at least one greeter (more are recommended for high volume polling stations).

_____ Work with the selectmen, clerk, and other election officials to develop a continuity of operations plan (COOP) which anticipates common emergencies and effective local responses. A model COOP plan is in the appendix.

_____ Work with the selectmen and other election officials to ensure that the polling place is properly equipped, arranged, and accessible.

_____ The moderator, town clerk, one of the selectmen or a justice of the peace may administer the oath of office to all election officials.

ELECTION DAY

Before the Polls Open

_____ Ensure that 3 copies of the Instructions for Voters have been posted outside the guardrail. (#1-2026). There are different posters for the Primary versus the General Election. There are different posters for hand count polling places versus ballot counting device polling places. Select the correct version for your polling place and election.

_____ Ensure that 1 copy of the Instructions for Voters has been posted inside every voting booth. (#1-2026).

_____ Ensure that sample ballots have been posted outside the guardrail (8 for the state general election and 8 of each party for the primary, and a similar number for local elections), at least one must be posted no higher than 48" for voters in wheelchairs.

_____ Ensure that sample ballots have been posted outside the guardrail (8 for the state general election and 8 of each party for the primary, and a similar number for local elections), at least one must be posted no higher than 48" for voters in wheelchairs.

_____ Ensure that the correct number of voting booths and privacy screens are setup in accordance RSA 658:9.

_____ Ensure that a notice indicating the time for processing absentee ballots is posted.

_____ Ensure that an alpha voter list (checklist printed from SVRS that does not have bar codes) is available for the Greeter to use.

_____ Ensure that a sharp pencil or pen has been placed in each voting booth.

_____ Ensure that each of the 8 mandatory posters (#2-9) are posted outside the voting area. For polling places that use VotingWorks ballot counting devices, additionally post poster #10.

_____ Ensure that two duplicate checklists to be used at the election are ready and available (only one needed if the town/ward uses a ballot counting device).

_____ Instruct ballot clerks to make only marks on the checklist that are required by law. (**Non-public information, such as dates-of-birth may not be written on the checklist**.)

_____ A privacy folder must be available to each voter to keep the marked ballot secret when carried to and fed into the ballot counting device. RSA 659:23. The use of ballots with offices on both sides makes privacy folders even more important as it is harder for voters to carry the ballot to the ballot counting device without displaying how they voted.

_____ If using a ballot counting device: the moderator and the clerk must certify on the pre-election certificate that all electronic ballot counting devices and memory cards have passed testing requirements and ensure evidence of testing is in the front pocket of the canvas bag for the device.

_____ If using a ballot counting device: verify that all device seals are intact and that appropriate activity and access logs are recorded, signed and stored in the front pocket of the canvas bag.

_____ Count all the ballots delivered from the clerk, to establish the number of official ballots and record on the Pre-election Certificate. The moderator and clerk must certify the number of election-day ballots, which serves as the starting ballot inventory on the post-election certificate (This may be done before election day, RSA 658:31.)

_____ Position all election officials: greeters (if used); ballot clerks at check-in table; clerk/deputy/assistant at check-out table in hand count towns; moderator or designee near ballot box or ballot counting device; and selectmen, supervisors and any other assistants where deemed necessary within the polling place.

_____ Inspect the ballot box, prior to the first ballot being issued to a voter, and show any members of the public present that it is empty. If a ballot counting device is used, the moderator should print and display the zero-tape produced by the device when it is set up and turned on for the election. Best practice is to print a copy to preserve and another copy to post.

_____ Seal the ballot box.

_____ Place the OmniBallot Accessible Voting System in the accessible voting booth, ideally near the moderator’s post by the ballot box/ballot counting device.

_____ Ensure the OmniBallot device is turned on and tested before the polls open.

_____ Administer the oath of office to all election officials who have not previously been sworn in. Ensure the clerk receives the completed oath of office form.

Opening and Managing the Polls

_____ Open the polls punctually at the appointed hour and begin accepting voters.

_____ Display the empty ballot box or zero tape/polls opened report in a ballot counting device polling place. With at least one witness verify that the three bins in the device base are empty (fully counted, diverter – write-in, and on the side of the base – hand count ballots bin).

_____ Publicly announce when the processing of absentee ballots shall begin.

_____ Periodically check outside the polls to ensure there is no electioneering occurring in the no-electioneering corridor.

_____ Manage exit polling by requiring anyone involved to set up outside the railed-in area and outside the usual and customary path into and out of the polling place.

_____ Ensure that the number of voters within the guardrail who have a ballot, excluding those handing the moderator the ballot or feeding it into the ballot counting device, does not exceed the number of voting booths and voting privacy screens.

_____ Out of Ballots: monitor voter turnout and request the clerk prepare additional unofficial ballots if it appears that the supply of official ballots will be exhausted; ensure such ballots are authenticated by the clerk, if put in use, and maintain a count of such ballots used.

_____Upon requests for assistance in voting, provide information on accessible voter options.

_____Administer the required oath to both a voter seeking assistance and anyone providing voter assistance (an inspector of election or person of the voter's choice, as long as the latter is not the voter's employer or union official).

_____ Have at least five election officials use the OmniBallot device to cast their ballot to ensure that all ballots cast using the device are sufficiently secret.

_____Allow anyone who wishes to observe the election, including listening to the check-in process, to do so from outside the rail (but not sitting or standing within 6 feet of a ballot clerk.

_____For high volume polling places: document. at regular intervals (for example, every 30 minutes or hour) how many people are waiting in line.

_____When doing anything unusual or that could be misunderstood, inform and educate those present at the polls.

_____Rule on any challenges (other than for age, citizenship, or domicile which are decided by the supervisors of the checklist), but if the voter is found to be not qualified, allow him or her to vote upon completing the Challenged Voter Affidavit.

_____If a voter returns a spoiled ballot to the moderator, that voter is entitled to receive a replacement ballot, and the moderator must write "canceled" on the ballot, sign it, and hold it to be put in a special envelope to be sealed with other ballots after the closing of the polls. Do not deposit a "canceled" (spoiled) ballot in the ballot box or ballot counting device.

Processing Absentee Ballots

_____ Receive absentee ballots from the clerk when the polls open.

_____ At the time posted on the required notices, begin processing absentee ballots by announcing that you are about to open the envelopes.

_____ If the name of the voter is on the checklist and the affidavit is properly executed, publicly announce the name of the absentee voter (except for confidential voters).

_____ Open the envelope containing the absentee ballot in public (envelope is preserved), remove the ballot (without unfolding it or examining it), direct the ballot clerks to place a checkmark beside the name of the absent voter on the checklist adding the letters "AV" in red ink and drawing a single thin line on the checklist through the voter's last name. After it has been verified that the voter has not voted in person and the checklist has been marked, as the last step the ballot is deposited in the ballot box or inserted into the ballot counting device.

_____ If you determine that an absentee ballot will be rejected, publicly announce the voter's name and just that the absentee ballot has been rejected (do not publicly announce the reason for the rejection), then record, next to the name of the absentee voter on the clerk's absentee voter list, the word "rejected" and the reason for the rejection, and preserve the unopened envelope.

_____ If the absentee ballot is challenged, the moderator shall write on the envelope containing the ballot, the word "challenged," number the ballot, and write the name and address of the person making the challenge (and the basis of the challenge) on the envelope or on a form for that purpose.

_____ Rule on any challenges (other than for age, citizenship, or domicile, which are decided by the supervisors of the checklist, consult with the supervisors if the reason is a reported death). If the reason for the challenge is well-grounded and available evidence makes it more likely than not that the voter is not qualified to vote, leave the envelope unopened and preserve it. If the challenge is not well grounded (meaning the available evidence makes it more likely than not that the voter is qualified to vote), the envelope is opened, and the reverse side of the ballot is numbered with the same number written on the envelope: the ballot is then processed in the same manner as an unchallenged absentee ballot.

_____ Ensure that an "Asserting a Challenge" form is completed for all challenged and rejected absentee ballots, including those that are challenged by the moderator, clerk, or other election officials.

Closing the Polls

_____ Close the polls to further voting at the hour stated in the warrant or notice, unless the hours have been extended by court order.

_____ Ensure everyone waiting in line when the polls close is allowed to register and vote. If necessary, make a determination of who isn't at the end of the line if one exists to ensure there is a proper cutoff.

_____ In the event of a court order to keep the polls open for extended hours, ensure each ballot issued after the original closing time is marked "EH."

_____ In addition to the clerk and supervisors, certify on the checklist marked by ballot clerks that this was the checklist used on election day.

Counting

_____ Oversee the counting of votes, including setting up the counting area so that no ballot is within 4 feet to the guardrail and selecting volunteers (as needed) to assist in the counting. Assign these roles before the closing of the polls.

_____ Swear in any volunteers assisting with the count and ensure written oaths are completed and filed with the clerk.

_____ After counting is complete and before reconciliation, examine the ballot box or all three bins in the

ballot counting device base to ensure there are no uncounted ballots.

_____ Ensure reconciliation (ideally the sum of all votes, that is the total votes of all candidates and write-ins, plus overvotes and undervotes, should equal the number of ballots used and voters marked on the checklist as voting).

Declaring and Reporting the Results

_____ Complete the Post-election Certificate, Pre-election Certificate (At a primary, one for each party), and Names on Checklist reports within 48 hours after the closing of the polls.

_____ Publicly declare the results, including write-in votes.

_____ Post a copy of the written results at the polling place.

_____ Provide results to the clerk who completes the Return of Votes forms.

_____ Retain copies of the Return of Votes, Names on Checklist, Pre-election Certificate, Post-election Certificate, ballot counting device long results tape, as well as any tally sheets and reconciliation worksheets that may have been used for the election.

Sealing and Certifying the Ballots

_____ Seal and certify ballots: in the presence of the selectmen or their designee, place the cast ballots, cancelled ballots, uncast ballots, ballots from any additional polling places, and successfully challenged absentee ballots in the boxes supplied by the Secretary of State; mark the information on the seal; apply the seal to the container; and deliver the sealed containers to the clerk. Ballots go in containers designated for ballots. Absentee voting materials including all successfully challenged and rejected absentee ballots go in the containers designated for “Absentee Voting Materials.”

_____ Deliver any Asserting a Challenge forms to the Clerk.

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Encourage Voting

A major responsibility faced by local election officers is conducting elections in a manner that encourages voting – making the process quick, easy, and fair to all – while at the same time ensuring that the outcome of elections is not illegally influenced by unqualified persons voting.

Procedures that make voting easy inherently also make voting fraud easier. Procedures that detect and deter voting fraud by their nature make it more complex and time consuming to register and vote. Local election officials must strive to attain the proper balance between these competing interests.

The term “supervisors of the checklist” shall include any city board of registrars or similar body performing the functions of registering voters and correcting the checklist in cities. RSA 652:15.

Voter Registration Form

The current version of the Voter Registration Form is the November 2024 form. The voter registration form has a section in the upper right-hand corner to document the circumstance in which the form is used:

____ **NEW REGISTRATION.** I am not registered to vote in NH.

____ **TRANSFER.** I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire.

____ **NAME CHANGE/ADDRESS UPDATE.** I am registered to vote in this town/ward and have changed my name/address.

The voter registration form is in SVRS Help Instructions. There is public and legislative interest in the number of new voters registered. Distinguishing new voter registrations from

circumstances where a voter is already registered in New Hampshire but has moved from one town/ward to another or is using the form to document a name or address change helps provide accurate information on new registrations, in particular election day registrations. RSA 654:7.

It is important to obtain the applicant's full middle name to enter into SVRS; the middle name makes it easier to distinguish voters with the same first name, last name, and date of birth.

The voter registration form requires an applicant to identify the place where the person was last registered to vote whether within the state or out-of-state and make sure to enter this information when adding the voter to SVRS. This information is helpful in determining whether the voter is a new or transferred registration and helps distinguish voters with the same name.

As a reminder: **always** check 'Inquiries' in SVRS before entering a new voter, regardless of whether the voter is a new registrant or a transferred registration. It is more efficient to take this step than to merge two records if it is later determined the person already has a record entered in SVRS. If a voter is in a removed status in your town or another city/town use that voter id number to register the voter, do not create a new record.

If the applicant reports they were registered to vote in another state and that information is entered into SVRS, the Secretary of State will notify the chief elections officer in the other state that the person has registered to vote in New Hampshire. If a person who is registered to vote in New Hampshire registers to vote in another state and that state notifies New Hampshire, the supervisors of the checklist will receive notice from SVRS or on paper that the voter has registered in another state. Unless the supervisors possess evidence that the notice is inaccurate, they must remove the voter from the checklist as provided in RSA 654:36. RSA 654:13.

Applicants Must Provide Proof of Qualifications

Determining Qualifications of Applicant

All voter registration applicants must present proof of their voter qualifications (identity, age, citizenship, and domicile) when registering to vote. RSA 654:12.

Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by registering to vote on election day. It is mandatory that a registrant provide some proof of each qualification when registering to vote. Although RSA 654:12 identifies certain preferred or legally sufficient forms of proof for identity, age, citizenship, and domicile, the statute also allows a registrant to provide other reasonable documentation if necessary. Allowing other reasonable documentation operates as a failsafe to help ensure that every qualified voter is able to prove their qualifications and register, even if they don't have a preferred form of proof.

The statute that establishes the domicile requirement to hold elected office provides that "registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a domicile in that state." RSA 655:2.

Standard of Proof

The supervisors of the checklist determine whether an applicant is qualified to register to vote. The supervisors of the checklist act in a quasi-judicial capacity and are obliged by law to act impartially based on the evidence before them, including facts known to them.

The decisions made by the supervisors of the checklist are subject to review by the Superior Court. It is prudent to consult with the Secretary of State's Office or the Attorney General's Office before rejecting an application where there is any uncertainty.

The term "quasi-judicial" in this context means having a partly judicial character. The supervisors

possess the right to hold meetings and conduct investigations as to the qualifications of an applicant for registration as a voter.

An applicant may file a complaint with the Superior Court stating that their name has been illegally kept from the checklist and ask to have their name added thereto. RSA 654:14, 42.

The supervisors must appropriately document any decision to reject an applicant. The vote to reject and the grounds for rejection must be included in the minutes of the meeting as required by RSA 91-A, the Right-to-Know law. The rejected applicant must receive proper notice of the decision within 7 days. RSA 654:13, 23.

RSA 654:11 establishes the standard of proof or test to be used by the supervisors when deciding if an applicant is qualified to vote. The standard of proof is the standard of proof that will be applied by the courts if the supervisors' decision is appealed.

If there is contradictory evidence or questionably sufficient evidence before the supervisors regarding any particular candidate's identity, age, citizenship, or domicile qualifications, RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified.

Stated in other terms, if the evidence that:

1. the person is not who they claim to be,
2. will not be age 18 by the next scheduled election,
3. is not a United States citizen, or
4. is not domiciled in the town or city ward where they seek to register

outweighs the evidence that they are qualified, then it is proper to deny the application.

Therefore, supervisors must reject an application if the evidence as a whole shows that it is more probable than not that the applicant is:

1. not who they claim to be,
2. will not be 18 by the next scheduled election,
3. not a United States citizen, or
4. not domiciled in the town or city ward where they seek to register and vote.

Decisions must be made by a majority vote of the supervisors properly recorded in the minutes of the meeting.

Application to Supervisors

RSA 654:11 provides: "[w]hen the supervisors of the checklist receive a registration form from the town or city clerk or when an applicant submits the form to said supervisors in person at a session for the correction of the checklist, the supervisors of the checklist shall cause his or her name to be added to the checklist, unless it is established that it is more likely than not that the applicant is not qualified to vote in the city or town under RSA 654:1 through 654:6. All decisions of the supervisors of the checklist shall be made by majority vote thereof."

Voter Registration Forms Altered or Contradictory Evidence

Supervisors on rare occasions receive a Voter Registration Form where the applicant has changed the statutory wording on the form or answered "Are you a citizen of the United States" by checking "no" but presenting proof of citizenship. Best practice is to contact the Attorney General's Office for guidance on the proper treatment of such applications. Generally, a Voter Registration application that has statutory language materially changed cannot be approved.

Applications must be from and signed by the individual seeking to register. Adding the word "agent of" in the signature box raises doubt as to whether the person named as applicant is the person who signed the form. Ensure the applicant has not just misunderstood the wording of the form or the requirements. If the applicant believes the wording on the form or the requirements to vote are inconsistent with their understanding of the

form or nature of our government, seek guidance from the Attorney General's Office before rejecting the application.

Proof of Identity

The applicant must prove their identity during the application process. If a person has any one of the following forms of photo identification in their possession, they must present it when applying for registration:

1. Photo driver's license issued by any state or the federal government.
2. United States passport, armed services identification, or other photo identification issued by the United States government.
3. Photo identification issued by local or state government.

A driver's license from another state is presumptive proof of identity, but not of domicile in New Hampshire. Unless evidence contradicts the proof of identity offered by an out-of-state driver's license, accept the out-of-state driver's license as proof of identity.

These forms of identification are considered presumptive evidence of the identity of an applicant. RSA 654:12, I(d). Supervisors can reject these documents as proof of identity if they have evidence of greater weight that contradicts them. It is necessary that the contradictory evidence makes it more likely than not that the person is not who they claim to be.

Supervisors may accept any other form of photo ID "that reasonably establishes that it is more likely than not that the person is who they claim to be. Effective September 8, 2026, RSA 654:12, I(d)(4) was amended to remove the option for an election official to verify a person's identity when registering to vote. See page 130 for more information about alternative proof of domicile.

Note: Effective June 2, 2026, registrants **cannot** use student identification cards to prove identity.

Nursing Home Residents

Residents of a nursing home or similar facility who no longer possess the usual forms of identification may prove their identity through verification by the administrator of the facility or their designee. RSA 654:12, I(d)(4). The application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who provide his or her identity with a photo identification.

Note: Effective September 8, 2026, when a nursing home administrator or designee verifies the identity of a resident, the administrator or designee must also sign the voter registration form. RSA 654:12, I(d)(4) (eff. 9/8/2026).

Proof of Domicile

The New Hampshire and United States Constitutions establish that, unless disqualified, every United States citizen who is at least 18 years old on election day and domiciled somewhere in New Hampshire has a right to vote.

The determination of whether a person is domiciled in the town or ward whether they seek to vote is usually easy and quick. Most applicants will present a New Hampshire driver's license, a New Hampshire resident vehicle registration, or some other document which clearly establishes the domicile they put on their voter registration form. For a few applicants, determining domicile is a challenging but critical part of conducting lawful, fair elections that encourage voting.

The law on domicile provides:

> I. Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. 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.

I-a. 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.

II. Any elected or appointed official for whom one of the qualifications for his or her position is eligibility to be a voter in the area represented or served shall be considered to have resigned if the official moves his or her domicile so that he or she can no longer qualify to be a voter in the area represented or served. Any vacancy so created shall be filled as prescribed by law.

RSA 654:1. "Domicile for purposes of voting is a question of fact and intention coupled with a verifiable act or acts carrying out that intent." RSA 654:2.

A person does not lose their domicile by being temporarily absent: "A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained." RSA 654:2.

In special, limited circumstances, some voters can register and vote using a former domicile: "No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility." RSA 654:2, I.

Voters in these limited circumstances may:

- Register and continue to vote indefinitely from the domicile address they established before starting:
  - Employment with the United States, which includes military service;
  - Employment on the waters of the US or the high seas;
  - Attendance at college, university, or residential high school as a student or teacher;
  - A sentence for a misdemeanor at a county house of corrections (felons in state prison lose the right to vote while incarcerated) or in pre-trial detention; and
  - Treatment or more permanent residence at a nursing home, senior living facility, hospital, or convalescent home.
- Register and vote from the domicile address where the voter lives while:
  - Employed by the United States, including military service;
  - Employed on the waters or the US or high seas;
  - Attending or teaching at a college, university, or residential high school; and
  - Residing in a nursing home, senior living facility, hospital, or convalescent home.

Federal law requires that for the purposes of voting "the spouse of a service member may elect to use the same residence as the service member regardless of the date on which the marriage of the spouse and the service member occurred. 50 U.S.C. § 4025(b)(2).

A person incarcerated in a county house of corrections or in pre-trial confinement can only vote in the town or ward where they were domiciled immediately before their incarceration. This is regardless of whether the person has a domicile in that town or ward while incarcerated and is not dependent on the person planning to return to that town or ward upon release. A person

incarcerated in a county house or corrections cannot vote in the town or ward where the corrections facility is located, unless the person was domiciled in that town or ward before incarceration. Voters incarcerated in a county house of corrections vote by absentee. An incarcerated person registered or eligible to vote in another state, who is a citizen of another state, must vote in that state, in accordance with that state's laws. RSA 654:2-a.

Note: Determining domicile can be particularly difficult for individuals who do not have a permanent, stable living situation. For example, a person may have lost their house or apartment and not yet established a new permanent living situation; or a person may be living in a series of temporary locations, including in hotel or motels, with friends or family, in their car, in campgrounds, or in public parks. Keep in mind that if such a person previously established domicile in your town or ward, they are entitled to continue claiming that domicile until they establish a new domicile. See RSA 654:2.

Similarly, because a qualified voter has a constitutional right to vote where they are domiciled, they cannot be prohibited from registering solely because they do not have a legal right to live in a particular place (such as when a person is living in a residence without permission; living at a campground that is only zoned for temporary, recreational use; living in an unpermitted building; or living in a public park). If a person claims domicile at a location that is the "one place where [the] 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," *see* RSA 654:1, then the person has a right to claim that domicile for voting purposes regardless of whether they are trespassing or violating local ordinances.

Domicile Considerations

A person can only have one domicile for voting purposes, and it is the one place, more than any other, where the individual has established a physical presence and manifested an intent to make that place his or her domicile.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.

There are many types of documents that satisfy this requirement. RSA 654:12 separates acceptable proof into two main categories: (1) documents that presumptively prove domiciles; and (2) alternative forms of domicile proof:

1. Primary Forms of Domicile Proof: An applicant who possesses one of the following qualified documents listing the applicant's name and the address they claim as their domicile must present that document when registering to vote:
   a. A New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b;
   b. A New Hampshire resident vehicle registration; or
   c. A picture identification issued by the United States government that contains a current address.

The above documents are considered presumptive proof of being qualified as a voter. These documents are presumptive only. The ultimate decision to accept or reject the application lies with the supervisors of the checklist or, in cities, with the registrars. Provided the supervisors possess evidence that, in their judgment, makes it more likely than not that the applicant is not domiciled where shown on one of these presumptive documents, the supervisors may vote to reject the applicant. RSA 654:12, V. Document the decision in the minutes of the meeting. It is expected, however, that most applicants will possess one of the above documents and be able to register quickly and conveniently.

2. Alternative Forms of Domicile Proof: If an applicant does not possess any of the documents listed above, the applicant can complete an "Attestation of Not Possessing Qualified Domicile Proof Documents" AND present other reasonable documentation that the applicant established a physical presence at the address they claim as their domicile.

RSA 654:1 requires that once the applicant attests under penalty of voter fraud that they do not possess any of the above listed qualified documents, the applicant may present any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place their domicile, and having taken a verifiable act to carry out that intent. The documentation used as proof must show that it is more likely than not that the applicant has a domicile in the town or ward they are attempting to register to vote in and intends to maintain that domicile at least until election day.

Reasonable documentation in that case includes, but is not limited to, completing an Attestation of Not Possessing Qualified Domicile Proof Documents AND one of the following:

- A document from the school the applicant attends showing that they live in campus housing, or a document issued by the school that has the applicant's name and address (whether on- or off-campus) where they live.
- A document showing the address the applicant claims as their domicile listing the name of the owner, property name of the owner, property manager (for a college dorm, this includes a school official or resident assistant), or tenant along with a written statement from the person listed as the owner, property manager, or tenant that the applicant resides at that address. The statement must acknowledge that the person signing does so under penalty of voting fraud if false information is provided. An optional, voluntary Confirmation of Domicile form for this purpose is available here: https://www.sos.nh.gov/elections/register-vote. A written, signed statement containing the same information satisfies the law. The person vouching for the applicant living at the same address may use any one of the documents described above to prove their own domicile.
- A rental agreement, lease, or similar document that shows the applicant's name, the address of their domicile, and that the applicant is renting or leasing at that address for a period of more than 30 days, to include time directly prior to election day. The document must show the domicile the applicant plans to have on election day.
- A document showing that the applicant owns the place they claim as domicile, such as a deed, property tax bill, or other similar document that has their name and domicile address they enter on the voter registration form.
- A document containing the applicant's name and the address they claim as a domicile showing that they enrolled a dependent minor child in an established public or private elementary or secondary school which serves the town or ward of the applicant's domicile.
- Any state or federal tax form, other government form, or government issued identification that shows the applicant's name and domicile address.
- Any form from the U.S. Post Office showing the applicant's name and the physical address where they are domiciled (not a P.O. Box). The confirmation the applicant received by e-mail or U.S. mail when the applicant reported their new address to the post office fulfills the requirement. Cancelled mail addressed in the applicant's name to the applicant's domicile address that shows the U.S. Postal Service delivered the mail to the applicant at that address satisfies the proof of domicile requirement.
- A public utility bill, such as an electric, telephone, water, gas, or other utility bill, with the applicant's name and domicile address on

it.

- A note from a homeless shelter or other service provider located in the town or ward where the applicant will vote that confirms they will receive U.S. mail sent to them at that address. An optional voluntary Homeless Confirmation of Domicile form for this purpose can be obtained online from the Secretary of State's office here: https://sos.nh.gov/elections/register-vote.
- Any other reasonable documentation that establishes that it is more likely than not that the applicant is domiciled at the address entered on the voter registration application.

New Hampshire does not impose a requirement that a person have lived at their new domicile for any period of time before being eligible to register and vote. The domicile requirement does not prevent a person from moving to a New Hampshire town or ward, registering, and voting on the same day they move into the new town or ward.

The law requires that the supervisors of the checklist, or the clerk acting as their agent, shall require the applicant to present proof of identity, citizenship, age, and domicile. However, the law continues to give the supervisors broad discretion as to what, in addition to the presumptive documents, they choose to accept as proof. The supervisors may accept any reasonable documentation to prove identity, age, citizenship, and domicile, and by inference they may reject documentation that does not reasonably prove identity, age, citizenship, or domicile.

Legality of Domicile

An applicant may establish domicile for voter registration purposes even if the person is unlawfully living at their domicile address. An applicant who is living in a campground in violation of a local ordinance prohibiting use of the campground as principal residence/domicile may nonetheless register to vote using that domicile. Similarly, a person who is living in a park which does not allow camping or is on property in violation of a 'Do Not Trespass' order may nonetheless register to vote using that domicile. Such a person, even if convicted of violating an ordinance or law, does not lose the right to vote.

Accordingly, evidence that an applicant/voter is domiciled at a location not permitted by local ordinance, homeowner's association rules, or lease rental agreements **does not** constitute a basis to deny the person registration as a voter. If a person is domiciled at an address, they have a right to use that address for voting purposes even if it is proven in court that the person is not permitted to have a primary residence at the claimed domicile.

Incarcerated Persons

A person sentenced to serve time in prison for a felony, from the time of imposition of their sentence until their final discharge, may not vote unless the sentence is suspended or the individual is paroled. A person sentenced for a felony to a suspended sentence and/or probation, who is not incarcerated in prison does not lose their right to vote. An individual sentenced for a felony forfeits any office held at the time of sentencing and may not become a candidate for, seek party nomination for, or hold public office until the sentence is finally discharged.

"Final discharge" means "the release of a prisoner from incarceration." RSA 607-A:2, I(b). "A person who is on probation or parole shall be considered to be finally discharged for the purpose of this section." RSA 607-A:2, I(b). It is therefore not necessary to make a separate determination of whether the person is eligible to hold/seek office at any particular moment in time. If the person is registered as a voter and is not currently incarcerated for a felony, they may vote in an election and seek public office. RSA 607- A:2.

People confined in a penal institution in pre-trial detention or as a result of a conviction for a misdemeanor retain the right to vote. Most people sentenced to County Corrections fall in this category. Their domicile for voting purposes is the

address in the town or city where they had their domicile immediately prior to being confined. Persons confined in a penal institution must vote by absentee ballot. The absentee ballot application form and absentee ballot affidavit envelope list this as one of the recognized reasons a person may vote by absentee ballot. RSA 657:4, 7. When completing a voter registration form or an absentee ballot application, an incarcerated person must list the address of his or her domicile in the address section and the address of the penal institution in the mailing address section. RSA 654:2- a.

The Secretary of State forwards communications from different official sources to local jurisdictions that contain evidence of incarcerations for felonies. Some of these persons' terms of incarceration have already been served. When notified of a voter's current felony incarceration, supervisors of the checklist should remove the individual from the checklist. Supervisors should take time to identify the period of incarceration and use it to assess whether a person who has served time for a felony is now released and again eligible to register and vote.

Homeless Applicants

"All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election." New Hampshire Constitution, Part 1, Article 11. Both the New Hampshire and United States Constitution establish that a homeless person has the same right to vote as a person who owns, leases, or rents a home. The same requirements for domicile apply to all.

A homeless person has a right to register and vote in that town or ward where they, "more than any other place, has established a physical presence and manifests an intent to maintain" their domicile. RSA 654:1. A homeless person's domicile may be the street or parking lot where a person living in a car parks/sleeps, more than any other place. The domicile may be the home of another where, more often than any other, the homeless person sleeps on a couch. The domicile can even be the park or area under a bridge where, more than any other place, the homeless person sleeps. A person who is otherwise qualified to vote cannot be denied voter registration because they are homeless.

Request the applicant to provide the best available mailing address, which may be the address of a homeless shelter, church, social service organization, relative, etc. who would receive and pass along mail sent to the applicant.

PROOF OF CITIZENSHIP

N.H. RSA 654:12, I(a) states supervisors shall accept one of the following as proof of citizenship: "the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, proof that the applicant was previously or is currently registered to vote in a different town or ward in New Hampshire, or any other reasonable documentation which indicates the applicant is a United States citizen." Applicants can prove citizenship in one of the following ways: by providing documentary proof of citizenship, asking a local election official to verify citizenship through state databases, or completing a Qualified Voter Affidavit.

A. *Documentary Proof of Citizenship:*

An applicant may provide one of the following documents listing their current legal name to prove United States citizenship:

- A Birth certificate;
- A United States passport or passport card;
    - **Note**: Although an expired passport is not expressly permitted to prove citizenship under RSA 654:12, it can constitute "other reasonable documentation which indicates the applicant is a United States citizen," provided the document appears to be authentic and matches the applicant.
- Naturalization papers;
- One of the four trusted traveler cards issued by the United States Customs & Border Protection, identifying the applicant as a U.S. citizen – Global Entry, NEXUS, SENTRI, and

FAST cards;

- Proof that the applicant was previously or is currently registered to vote in a different town or ward in New Hampshire (such as a public or marked checklist from a New Hampshire municipality showing the applicant was or is registered to vote);
- United States Department of State Consular Report of Birth Abroad;
- United States Department of State Certification of Birth Abroad;
- A N.H. municipality annual town report listing the birth of the voter; or
- Other reasonable documentation which indicates the applicant is a United States citizen. If you are uncertain about whether other documentation reasonably proves citizenship, don't hesitate to contact the Secretary of State's Office or Attorney General's Office for assistance.
    - **Note**: a REAL-ID driver's license or non-driver ID is not evidence of United States Citizenship. While a United States citizen has to prove citizenship to obtain a REAL ID, non-citizens legally present in the U.S. may also obtain a REAL ID by proving they are Permanent Residents with a green card or other appropriate visa. However, if a United States citizen obtained a REAL-ID from the N.H. Division of Motor Vehicles, that person's citizenship may be verified using the DMV inquiry feature in SVRS.
    - **Note**: A Lawful Permanent Resident, or permanent resident card, often referred to as a 'green' card, is evidence that the applicant is not a U.S. citizen. Some green card holders become U.S. citizens through naturalization and will qualify to vote in U.S. elections. However, unless and until they become U.S. citizens, they are not permitted to register to vote or vote.

B. *Proving Citizenship with State Database Information:*

If the applicant does not have documentary proof of citizenship, the applicant may authorize local election officials to conduct one of the following searches to confirm citizenship:

- Searching the Statewide Voter Registration System to confirm the applicant was previously or currently registered to vote in any New Hampshire municipality;
- The Statewide Voter Registration System has New Hampshire Vital Records information regarding New Hampshire births. A search for this information may help prove citizenship for certain voters.
- The Statewide Voter Registration System has information from the N.H. Division of Motor Vehicles regarding citizenship status for individuals who have obtained a N.H. Driver's License or Non-Driver ID. A search of this information may help prove citizenship for certain voters.

C. *Qualified Voter Affidavit – Citizenship*

Citizenship may also be proven by completing a qualified voter affidavit attesting, subject to the penalties of voter fraud, that the applicant is a United States citizen but does not possess some or all of the documents necessary to prove citizenship.

Note: Under prior state law, an applicant could complete a qualified voter affidavit to prove citizenship, age, or domicile. Although that law was repealed effective November 11, 2024, a court order subsequently struck down the repeal of the qualified voter affidavit for citizenship only. Accordingly, a voter can use a qualified voter affidavit to prove citizenship, but they cannot use an affidavit to prove age, identity, or domicile.

Voter Registration Events & Intake Sessions

Supervisors of the checklist and/or clerks may participate in voter registration or voter registration application intake events held in the community.

Neither supervisors nor clerks have any statutory obligation to participate in voter registration events that occur outside their offices. If local officials want to participate in such events, they should adopt a local policy or practice and apply it consistently, i.e. treat all requests equally.

Promoting voter registration by qualified applicants is good for those voters and the public. Getting voters registered before election day additionally takes pressure off the election day operation. Best practice is that local election officials should only participate in non-partisan voter registration events. Voluntarily participating in a partisan event may create the appearance that election officials favor one party or candidate over others.

A voter registration event must be a properly noticed public session of the supervisors of the checklist. The board of supervisors of the checklist needs to make the decision on participating at a properly noticed public session and include that decision in its minutes of that session. If it is a voter registration event, it must be open to the public. Often events focused on students turning 18 are planned on school property where the public is not permitted due to school safety rules and protocols.

A clerk, the clerk's deputy, or other staff, and individual supervisors (with approval of a majority of the board) can participate in a voter registration application intake event. An intake event is not a public session of the supervisors. The election officials participating would do essentially what the clerk does routinely at the clerk's office – assist applicants with filling out a Voter Registration Form; view, document, and/or obtain copies of qualification proof documents; and if requested use SVRS inquiries to help voters prove their qualifications. The applicant is not "registered" at the event. The applications and documentation are submitted to the supervisors of the checklist, who act on them at their next properly noticed public session.

The decision to have one or more supervisors participate in a voter registration application intake event should be made by a majority vote of the board of supervisors at a properly noticed public session and included in the minutes of that meeting. Without a formal vote of approval from the board, an individual supervisor has no authority to act as a supervisor, including intaking applications outside a public session of the board. The motion and vote can be for a specific event or a more generic vote to allow individual supervisors to do intake at non-partisan events.

Providing good customer service and prompting qualified applicants to register to vote is good. It is prudent for local officials to think through how many resources they can make available, whether the public perception of the voter registration activity will be that it is non-partisan, and if the proposed event is the most appropriate way to make voter registration even more convenient for the target audience.

Lifetime Disqualification

Under Part I, Article 11 of the State Constitution, "No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States" unless that person's right to vote is later restored by the New Hampshire Supreme Court. When this occurs, an entry is made in SVRS to alert election officials in case the disqualified voter seeks to re-register. Always verify a disqualification with the Attorney General's office before denying an application.

Voting Twice in the Same Election Prohibited

To become registered the applicant will have to sign the registration form, under penalty of voting fraud, that includes the phrase "and if registering

on election day, that I have not voted and will not vote at any other polling place this election." RSA 654:7; *see also* RSA 659:34. If an election official, another voter qualified to vote in the polling place, or a challenger appointed in writing by the state political party has evidence that a person has already voted in the election, by absentee ballot or otherwise, they may make a voter challenge with the moderator. After the election, report any evidence that a person voted in one town by absentee ballot and in a second town in person to the Attorney General's Office. It is also a felony to vote in the same election in New Hampshire and in some other state. RSA 659:34-a.

Absentee Registration for Non-UOCAVA Voters

A person desiring to register to vote who has a disability or is temporarily absent may register using an Absentee Voter Registration Affidavit Form and the Voter Registration Form (November 11, 2024). This includes a person who is present following the last session for correcting the checklist, but who plans to be absent on election day. RSA 654:16; RSA 654:17. A person may request absentee voter registration forms and instructions separately from requesting an absentee ballot. A full absentee not registered to vote package can be downloaded in SVRS Help Instructions.

An applicant for an absentee ballot who is not registered to vote shall be provided with the forms and instructions for absentee registration. RSA 657:16. This statute does not impose a deadline for providing absentee voter registration forms to applicants. Therefore, issue absentee voter registration applications until the day before an election. RSA 654:8, II prohibits a clerk from accepting an in-person application for voter registration "after the last meeting of the supervisors of the checklist before an election." However, RSA 657:16 provides that for completed absentee voter registration applications, "[a]ll documents received after the deadline for correcting the checklist under RSA 654:27 and RSA 654:28 shall be processed as election day registrations under RSA 654:7- a."

Considered together, these statutes permit a person qualified to register to vote to request both an absentee ballot and an absentee voter registration form and supporting documents up until the day before an election. Both can be returned in person to the clerk's office up through the day before an election or by mail provided it is received by the clerk by 5:00 p.m. on election day.

Sometimes, a voter might have planned to register and vote in person on election day, but new circumstances require the voter to be absent on election day. In that case, the person may apply for registration using the absentee voter registration process either by mail or in person at the clerk's office.

The clerk may not make final determinations regarding whether the proof of qualifications offered satisfy the requirements for voter registration. The applicant must provide copies of the proof offered. The clerk will provide the supervisors with the application and supporting documents on election day. The supervisors will review the application and copies of proof offered on election day and determine then whether the person qualifies to be added to the checklist.

All applicants for absentee registration are required to send copies of the documents that they rely on as proof of identity and domicile. Applicants for registration must complete the Voter Registration Form (November 11, 2024) and one of the two Absentee Voter Registration Affidavits.

Note: effective September 30, 2025, RSA 654:17 was amended to require voters registering to vote absentee to provide proof of their qualifications that meets the requirements of RSA 654:12. Consistent with that change in the law, the absentee registration affidavit was amended to add two additional statements to the absentee registration affidavit:

- *"That I hereby enclose copies of the*

applicable documentation required by RSA 654:12 to establish my citizenship, age, domicile, and identity as qualifications to vote"; and

- *"That I acknowledge that if I do not provide a copy of the documentation as required ... above, this application shall not be approved."*

Absentee Ballot Request – Person Not Registered

Upon receiving an absentee ballot request from a person not registered as a voter, a clerk is authorized by law to send the unregistered person a ballot, a written notice of what they need to do to get registered and the forms necessary for the applicant to get registered. The instructions must clearly indicate that the applicant must put the voter registration form and any supporting documents in the outer envelope, not the affidavit envelope, when returned to the clerk. In SVRS Help Instructions is a complete absentee not registered to vote package that can be utilized.

The clerk needs to mark the absentee ballot affidavit envelope, the outer envelope the voter will use, and the absentee ballot application with the words "Not Registered" to ensure that, if the person returns the envelope, the clerk is alerted that envelope contains the documents necessary to become registered as a voter. RSA 657:16. Clerks are instructed to forward any voter registration documents to the supervisors of the checklist immediately upon receipt.

If a voter registration application is received after the supervisor's last session before the election, do NOT enter the voter into SVRS. The voter will be treated as an election day registration and all forms will need to go to the polls on election day. If the voter is entered prior to election day, the supervisors will not be able to accurately balance their checklist of election day voters because the voter registration date will not show as election day.

At the polls on election day, if an outer envelope is returned without the forms and documents necessary to complete the voter's registration, before rejecting the absentee ballot because the person is not registered, the inner affidavit envelope must be opened to determine if it contains the documents necessary for registration. The ballot must not be removed from the envelope and must remain folded. If the envelope does not contain the missing registration forms or documents, the envelope must be immediately sealed with staples or tape, with the unexamined ballot still inside. The clerk must write a short explanation on the envelope. Treat the envelope in the same manner as a rejected absentee ballot envelope. RSA 654:13; RSA 657:26.

Supervisors Administrative Duties

Checklist Standards

Supervisors must maintain completed registration forms and checklists in alphabetical order. Update each after each election.

Timely Entry Of New Voters And Changes

To avoid confusion, supervisors of the checklist are responsible for:

- Entering new voters into SVRS in a timely manner,
- Approving pending removals (in a publicly noticed session with majority in attendance); and
- Pending approvals (in a publicly noticed session with majority in attendance)

before providing copies of the checklist to the public. If it is necessary to provide an un- corrected checklist to satisfy the requirements of the Right-to-Know law, the recipient should be advised in writing that there are pending corrections to the checklist that are not shown on the copy of the checklist they are receiving. The Right-to-Know law requires that a public record that is immediately available must be provided immediately RSA 91-A:4.

Addresses Conform to USPS Publication 28

The Secretary of State is required to ensure that

voter addresses in the Statewide Voter Registration System are formatted in conformance with US Postal Service requirements. This includes a requirement for the zip code +4 format. RSA 654:45.

Permanent Moves Reported to USPS

The Secretary of State is required to check NH voter addresses against the US Postal Service change of address system and notify supervisors of the checklist of permanent moves. RSA 654:45

Checklist Change of Address

If a voter has reported an address change to the ballot clerks, who have noted the new address on the checklist, indicating the voter moved within the town/ward, the supervisors of the checklist must note the change of address on the person's voter registration form and enter it in SVRS. RSA 659:13.

Annual Verification

Beginning in 2026, the supervisors of the checklist in each city and town in the State of New Hampshire are required to conduct a verification of the voter checklist every year. RSA 654:39.

RSA 654:39 requires the supervisors of the checklist to review their voter list for any voter that did not vote in any election in the past five years preceding the annual verification. Voters that meet this criterion shall be sent notices stating that they will be removed from the checklist and are required to re-register if they wish to remain on the checklist. If a voter registered to vote on or after the date of the last state general election, whether they voted or not, they do not receive an annual verification letter under the law. RSA 654:39, IV (b).

A publicly noticed session of the supervisors of the checklist is required to select the voters that will be sent a verification of the checklist removal letter. An additional publicly noticed session is required at least 30 days after the letter is mailed to enable those voters to re-register.

The Secretary of State's office will provide additional guidance for annual verification, including a checklist calendar, step-by-step instructions for generating the requisite reports on SVRS, and other guidance.

Confidential Voters

The name and address of a voter shall not appear on the checklist at the request of the voter if he or she presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B:4, or if he or she is a confidential voter under RSA 7:46. The name, domicile address, and mailing address, if different, of such a voter shall be maintained on a separate list of voters, which shall be non-public and not subject to the Right-to-Know law, RSA Chapter 91-A. If it is necessary to establish such a non-public list, the public checklist shall be marked at the end with a notation of the number of voters whose names are maintained on the non-public list. RSA 654:25.

Removal Of Voters

The supervisors have a legal duty to keep the checklist as accurate as is practical. RSA 654:28; RSA 654:43. In fulfilling this duty, supervisors must be mindful that in the United States there are in some cases two or more people who have the same name and date-of-birth. When no middle name or only a middle initial is available, identical names and dates-of-birth are even more common. An apparent duplicate record may in fact be records that relate to two different people. The law generally requires that before removing a voter from the checklist supervisors must send a 30-day letter to a voter. To remove the voter the supervisors must either receive a response where the voter affirms that they have permanently moved their domicile or the voter must fail to respond to the letter. Notices of Transfer, notices of a permanent change of address with the United States Postal Service or the Division of Motor Vehicles, or official death notices permit removal without a 30-day letter because each exception has additional information that ties the event to your voter.

NOTICE OF TRANSFER

A Notice of Transfer is a communication received from an election official that seeks to inform the supervisors of the checklist in a New Hampshire municipality that a person currently registered in their town or ward has registered to vote in a new town, ward, or state. In effect, the voter transfers their registration to a different jurisdiction. The purpose of a Notice of Transfer is to notify the town or ward where the person previously registered to remove the person from the checklist. If it is a transfer from one NH city/town to another, that notice will appear on the SVRS dashboard for the supervisors to take action on.

Notices of Transfer come in many forms. Ideally, they include a photocopy of the voter's handwritten application to register in the new jurisdiction showing that the voter wrote in their previous New Hampshire address as the place where they were previously registered to vote.

However, sometimes only a summary list with names and dates of birth of people who have registered in a new state is received. This qualifies as Notice of Transfer only if the list or a cover letter explicitly states that the voter provided the New Hampshire address or it otherwise established that the voter provided their prior New Hampshire address.

To qualify as a Notice of Transfer, which authorizes removal of a voter's name without first sending a 30-day letter, a communication must contain:

- The full name of the voter;
  - If the middle name data is consistent, any of the following is okay:
    - Middle name/initial is an exact match;
    - No middle name is listed on the notice or in the voter's NH record;
    - Full middle name on one record matches the initial on the other record.
  - If the middle name data is inconsistent, do not treat the document as a Notice of Transfer.
- The voter's date of birth;
- The voter's address where previously registered is in your town or ward;
  - The address need not be a precise match, but must be close enough that no doubt exists that the address in the notice is the address of the voter in your records;
  - If researching SVRS and you see the voter with the same name and date of birth in another city/town, forward that notice to the clerk in that city/town.
- The person/office that sent the notice must be clearly identified as an election office/official;
  - Typically, the list, cover letter, or e-mail will contain the title, office, and contact information of an out-of-state election official.
  - A list of voters with no cover letter or clearly identified election official who sent the information does not qualify as a Notice of Transfer;
- A clear statement that the address where the voter was previously registered was obtained from the voter. The following satisfy the requirement:
  - A copy of a voter registration form signed by the voter where the voter filled in the address on the line for place last registered/voting;
  - Some states send letters to voters identified as moving from one state to another. If the voter signs and returns the form, the out-of-state officials send New Hampshire a copy. A copy of this document signed by the voter verifying their voting domicile in that other jurisdiction where they are currently domiciled, so long as the voter's New Hampshire town or ward where they were previously domiciled for voting purposes is listed, satisfies the requirement.
  - An explicit statement that the out-of-state election official was provided the New Hampshire address by the voter; or
  - A record of contacting the out-of-state election official who sent the communication confirming that the voter's

former domicile address in New Hampshire came from the voter. This can be either voter specific or a general report by that office that any notice or list sent contains only addresses provided by the voter.

N.H. RSA 654:36 provides "[i]f the supervisors of the checklist have received a notice of transfer from any other state or from another board of supervisors of the checklist in the state of New Hampshire through the statewide centralized voter registration database that a voter whose name is on the checklist has been added to the checklist of some other town or city, they shall strike that name from the checklist at the next session for the correction of the checklist. They shall retain the notice in accordance with RSA 33-A:3-a as proof of their reasoning in striking the name from the checklist."

A Report of Change of Address is a report communicated to the supervisors of the checklist from one of three entities: the United States Postal Service, the New Hampshire Department of Safety, Division of Motor Vehicles, or the New Hampshire Secretary of State (generally for the USPS or DMV as communicated through the centralized voter registration database). Once the supervisors receive a Report of Change of Address in which the "*voter has permanently changed his or her address to another town, city, or state they shall strike that name from the checklist at the next session for the correction of the checklist.*" RSA 654:36-b. "*As an alternative, the supervisors of the checklist may first send a 30-day notice letter and then shall remove the name from the checklist if the voter does not respond to that notice as set forth in RSA 654:44.*" RSA 654:36-b.

A United States Postal Service temporary mail forwarding order is not cause for removal from the checklist. A domicile for voting purposes is not lost because a voter is temporarily absent from his or her home. RSA 654:2. Only permanent changes of address get reported by the Postal Service.

Prior to removing a voter from the checklist, the supervisors, with the limited exceptions discussed in this section, must send written notice by mail at least 30 days in advance of the meeting where removal will be decided. RSA 654:44. The supervisors must make the decision to send a voter a 30-day letter by a majority vote of the supervisors of the checklist in a properly noticed public meeting. This requirement does not prevent individual supervisors or support staff from preparing SVRS to send a letter, nor from doing that work in non-public work sessions. It is only the evaluation of the evidence in hand that supports sending a 30-day letter and the vote by the supervisors that must occur at a formal meeting of the board.

The minutes of the supervisor's session must include the reason or basis for sending the 30-day letter. For example: "Supervisor *Jane Doe* moved to send the following voters a 30-day letter based on information received that the voter has permanently moved out-of-town. Supervisor *John Doe* seconded the motion. All voted in favor. Voters receiving 30-day letters are listed."

Any mail sent to a voter at the mailing address the voter last provided, which the United States Postal Service returns indicating that the person has permanently moved should trigger removal of the person's name from the checklist. If the supervisors have reason to believe the notice is in error, then send a 30-day letter to the voter before removal of the voter's name from the checklist.

Mail may be returned undelivered for many different reasons. Remove the voter without further notice only if the endorsement on the returned mail clearly indicates the voter was known at that address but has permanently moved. The following endorsements from the Postal Service website qualify:

- "Attempted - Not Known;"
- "Deceased" (check against NHVRIN death records);
- "Moved, Left No Address;"

- "Not Deliverable as Addressed – Unable to Forward;"

https://pe.usps.com/text/dmm300/507.htm (see explanation at 1.4.1; last verified 7/6/2026). It is important to verify that the address written on the returned mail exactly matches the voter's address of record. The Postal Service often will not deliver mail when the address is close, but not exactly correct. Note, however, that if the voter's address of record is a mailing address using a P.O. box, supervisors should also send the letter to the domicile address before removing the voter from the checklist. Closure of a P.O. box or discontinuation of a mailing address does not necessarily constitute a change of domicile.

REMOVAL OF DECEASED VOTERS

The supervisors must remove the name of any person for whom they have received an official notice of death. While RSA 654:37 does not define an "official notice of death," supervisors should consider such an official notice to be:

- Copy of a death certificate;
- Burial permit; or
- NHVRIN Matched Death Records in SVRS.
- Voter checklist death report obtain from clerk from NHVRIN Death module

UNOFFICIAL NOTICE OF DEATH

If Supervisors of the Checklist learn of the death of a voter, that has not been officially reported, a special 30-day letter shall be mailed to voter's last known address. RSA 654:37-a. It is appropriate to wait to see if an official notice of death becomes available.

If no response is received after 30 days, the supervisors remove the voter's name from the checklist. If a response is received confirming the voter's death, the supervisors may remove the voter's name from the checklist at the next properly noticed and conducted session.

Medical providers or funeral homes generally promptly report in-state deaths to Vital Records. However, SVRS will provide a death notification, through NHVRIN Matched Death Records, with both an exact match and potential matches from Vital Records. Supervisors need to use caution when reviewing these matches to make sure the correct voters are removed

The need to address an unofficial notice of death is usually limited to circumstances where the voter dies while in another state. A Vital Records system exists for information exchange between states that will in many cases, over time, result in an official notice of death in the New Hampshire Vital Records system.

Contacting the family of a recently deceased voter is a sensitive matter. While not required by RSA 654:37-a, best practice is to exhaust reasonable efforts to obtain an official notice of death instead of sending a 30-day letter inquiry. If a supervisor or the clerk personally knows a member of the family of the deceased voter, consider informally seeking that person's assistance with obtaining a copy of the death or burial certificate. If you can identify the funeral home that served the family, usually reported in an online obituary, the funeral home may also be of assistance.

Supervisors should follow-up with the clerk, who can run a voter checklist out of the NHVRIN Death Module to check and/or provide to supervisors.

Supervisors must routinely review their SVRS dashboard. If the "NHVRIN Matched Death Records" show there are matched death records needing examination, review those records. A single supervisor or assigned support staff may conduct the initial review. Use SVRS to compare the NHVRIN record with the SVRS (SVRS) record. If it is more likely than not that the two records pertain to the same person, use the "match" button to move the voter to pending removal. If it is more likely than not that these are two different people, use the "Not a Match" button to remove the voter from the match list.

As with all decisions regarding the removal of a voter from the checklist, exercise caution to ensure

the individual who died is the same person as the voter. Use extra caution when your checklist has two voters with the same name. A common example is a father and son on the checklist who are a “senior” and “junior”.

A vote of a majority of the board of supervisors at a properly noticed public session is required to approve the pending removal and actual removal of the voter from the checklist. Carefully review death removals at the session. Supervisors who did not make the initial review may have knowledge that either confirms that the voter is the person who died or that removal is an error as the deceased is a different person.

DEATH RECORDS REVIEW – ELECTION DAY

Do a review of the NHVRIN Matched Death Records on the day before every election and election morning. If the review results in the pending removal due to death of any voter, the pending removal list should be printed and brought to the polling place for review and action by the full board of supervisors.

Upon reviewing and acting to remove a deceased voter on the day of an election, the supervisors must note on all copies of the official checklist that the voter is “deceased” and then place the supervisor’s initials next to the voter’s name.

“The Secretary of State shall compare information contained on each death record received by the division of vital records with information contained in the statewide centralized voter registration database and submit to the state registrar a list of every city or town that has a registered voter matching the decedent’s information*. Upon receipt of a death record, the state registrar shall transmit notice of the death to the clerk of the city or town of residence of the decedent and to each city or town listed by the Secretary of State for the decedent pursuant to paragraph IV.” RSA 5-C:4.*

NOTICE OF DEATH – VOTER CHECKLIST REPORT

RSA 5-C:4 requires that municipalities review the list of deaths for their city or town reported in the New Hampshire Vital Records Information Network “Voter Checklist Report” to search for possible matches with voter records. When a death notice exactly matches the name, date of birth and residence town/city of a voter on the checklist, SVRS sends a notice of the death to the supervisors of the checklist.

The law requires that if the information does not match on the name, date-of-birth, and residence, but is a partial match, the Secretary of State and the clerk must send a notice of partial match of a death record to the supervisors. Best practice, the clerk prints the “Voter Checklist Report” from NHVRINPLUS and provides it to the Supervisors of the Checklist before each session. Note that SVRS now also provides partial matches.

If the records are determined to be more likely than not two different people, no further action is required. If the records likely match, but there is no official verification that the death and voter records relate to the same person, the clerk and supervisor must follow the procedures for an unofficial notice of death. RSA 5-C:4, IV; RSA 654:37, RSA 654:37-a.

SUPERVISORS TO REVIEW PROPERTY TRANSFERS

RSA 74:18 requires towns and cities to provide the supervisors of the checklist with copies of the Inventory of Property Transfers. This law requires the person/entity purchasing real property to file an inventory of property transfer with the town for property tax purposes with 30 days of recording the deed or transfer of real estate with the county register of deeds. The inventory contains information on the property, the previous owner, and the new owner. The supervisors are to use the information “to facilitate periodic maintenance of the voter checklist.” RSA 74:18

Where the Inventory of Property Transfer makes it more likely than not that a registered voter has moved out-of-town and no transfer of voter registration notice has been received, it is appropriate to send the voter a 30-day letter. Not all Inventory of Property Transfers will be evidence

that a voter, who is the prior owner, has moved. Transfers may involve shifting ownership interests to family or to a trust in a circumstance where the voter continues to be domiciled at the same address. Transfers may involve land with no residence on it or land that a voter did not live on.

The first step is to check the name of the previous owner(s) against the checklist. If the name(s) is not on the checklist, no further action is required.

If a previous owner(s) is listed on the checklist, review the information on the Inventory and any other information known to the supervisors. If it is more likely than not that a registered voter has moved out-of-town, send a 30-day letter. Remove the voter from the checklist only if the voter does not respond to the 30-day letter with evidence the voter continues to be domiciled in the town or ward.

The name of the new property owner(s) on the Inventory is evidence supporting a claim of domicile at that address by those owner(s) if they apply for voter registration. Otherwise, no action is required regarding the new owner(s).

A blank Inventory of Property Transfer form is available on the Department of Revenue Administration website at: https://www.revenue.nh.gov/forms/2016/documents/alt-pa-34-v1-0.pdf.

Party Affiliation Changes

Supervisors of the checklist must hold a session before each state and presidential primary election for the change of registration of legal voters, pursuant to RSA 654:34 and/or 654:34-a. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Starting in the 2028 election cycle, the session prior to the state primary election shall be on Tuesday before the first Friday in March between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. RSA 654:32.

A voter may change their party affiliation any time the supervisors are in session, except between the first day of the filing period for a primary up to the day of the primary election. The board of supervisors must hold at least one meeting prior to the filing period for the change of registration of legal voters. RSA 654:34. A voter may also apply to the clerk, during the clerk's usual office hours, to change party affiliation. RSA 654:34-a states that the "town or city clerk shall present to the next meeting of supervisors of the checklist... the name of any person who made application to him or her for a change of party affiliation and the name of the party with which the person desires to be affiliated or that he or she desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist..." RSA 654:34-a, VII. Further, any party affiliation changes submitted "between the first Wednesday in June and the day before the state primary" (RSA 654:34, IV (2026). Beginning in 2028, the dates reference change to "between the first Friday in March and the day before the state primary election" (RSA 654:32, IV (eff. Jan. 1, 2028)) "shall be kept by the supervisors until acted upon; and the change shall be made as soon as permitted by law." RSA 654:34-a, VII.

Sessions of Supervisors

Supervisors Mandatory Sessions Every 90 Days

The supervisors of the checklist shall meet at least every 90 days to act on pending applications, address/name changes, requests for removal, transfers, NCOA, and death notices. RSA 654:27-a. Notice of the day, hour, and place of each session shall be posted in two places, one of which shall be the city or town website or shall be published in a newspaper at least 7 days prior to each session. Mandatory sessions required by prior law, including election day sessions, count towards fulfilling this requirement. Best practice is for the supervisors to adopt an annual schedule at a properly noticed public session and including that schedule in the minutes of that session.

Posting and maintaining an annual schedule on the website and at least one other place will satisfy the notice requirement. RSA 654:27-a.

Election Day Registration

Any person may register to vote with the supervisors of the checklist at any election (i.e., primary and general elections, town, city, school district and village district elections). Applicants must meet all the qualifications required by RSA 654:12, as judged by the supervisors. RSA 654:7-a.

Best practice is to provide an opportunity for voters to register in advance of or at an annual village district meeting that elects officers by unofficial ballot or from the floor, a town or school meeting or SB2 deliberative session. Note, however, that the law does not require the supervisors to hold sessions during annual meetings.

For the purposes of this section "election" refers to any voting at which absentee ballots are provided. "Meeting" refers to the deliberative session of the town, school, or village district.

State Elections

The supervisors are required to hold one session prior to any state election (state primary, presidential primary, or general election). Hold the session 6 to 13 days before the election. This session must be for no less than 30 minutes, but the supervisors may extend the session for additional hours. Except for the provisions relative to election day registration, no additions or corrections may be made to the checklist after the session is over. RSA 654:27.

Presidential Primary Elections

In addition to election day registration and the session required above, the supervisors must also hold one session for additions and corrections to the checklist prior to the start of the filing period for state offices or the presidential primary. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period between 7:00 p.m. and 7:30 p.m. The Secretary of State determines and will announce the dates of the filing period for the Presidential Primary. RSA 653:9; RSA 655:47.

State Primary Elections

Prior to the state primary election, the session shall be held on the Tuesday before the first Wednesday in June (that is, the day before the filing period opens) between 7:00 p.m. and 7:30 p.m. The supervisors may extend the session to end at a later time, for any session. RSA 654:32; RSA 655:47, II.

Local Elections

For all town, city, village district, and school district elections, supervisors must hold a session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7:00 p.m. to 7:30 p.m. The supervisors may extend the session to end at a later time. Supervisors must register voters on election day of local elections. RSA 669:5; RSA 44:5; RSA 670:3.

The supervisors must also hold a session for correction 6 to 13 days prior to the election, following the same procedures provided in RSA 654:25 through 31.

No Restrictions On Other Sessions

Supervisors should hold as many meetings as necessary to allow citizens in the community an opportunity to register, change addresses, or change party affiliation. In addition to the required sessions, supervisors may meet at any time prior to the final pre-election session required by law, as long as they post or publish notice of the meeting. RSA 91-A; RSA 654:27; RSA 654:32. No additions, removals, or corrections to the checklist shall be made after the closure of your city or town’s final session for correction of the checklist. RSA 654:27; RSA 654:28; RSA 659:12; RSA 669:5. Qualified individuals may register on election day.

Supervisors should meet and resolve pending additions and pending removals – which appear on the dashboard of SVRS.

The board of supervisors of the checklist are a public body subject to New Hampshire's Right-to-Know law. RSA Chapter 91-A. Whenever a quorum convenes for the purpose of discussing or acting on adding a voter, removing a voter, or sending 30-day letters to voters, these actions must be taken in a properly noticed public meeting. A quorum is two or more members of a three-person board. RSA 91-A:2. Minutes of the meeting must be taken and made available to the public on request. Minutes must include "the names of members, persons appearing before the public bodies, a brief description of the subject matter discussed and final decisions, the start time and end time of the meeting, and the name of the person who produced the minutes. The names of the members who made or seconded each motion shall be recorded in the minutes." RSA 91-A:2, II.

SVRS provides different report templates to use to help create minutes of each session. The Attorney General's Memorandum on the Right-to-Know law is an excellent guide. https://www.doj.nh.gov/news/2024/documents/03142024-ag-memorandum-right-to-know.pdf. The document is also available in SVRS Help Instructions.

Consolidating Sessions

Whenever there is more than one required session within a 21-day period, the first required session may serve to fulfill the requirements of the remaining sessions. *Example*: Multiple state and municipal elections within a short period. RSA 654:27.

Posting Checklists

No later than the 4th Tuesday before any state election, the supervisors shall post a current checklist at the town or city clerk's office or at town hall. At least 10 days prior to a session for alteration of party affiliation before a primary, the supervisors shall post a current checklist at the clerk's office or at town hall. To save paper and ink, this list may be in the form of an "Alpha List" from SVRS with a separate certification page signed and attached. Each posted checklist shall state the date, hour, and place of the upcoming session for checklist additions and corrections. RSA 654:26; RSA 654:27; RSA 654:33. On each posted checklist, the board of supervisors shall subscribe an oath as required by RSA 654:29. Checklists printed from SVRS contain the required oath language.

The official checklist used at any election shall contain the full name, domicile address, mailing address, and party affiliation, if any, of each voter on the checklist. The Secretary of State is required to issue checklist guidelines, which include the minimum content of the checklist. A checklist printed from SVRS satisfies these requirements. RSA 654:25.

Voter Registration Form

The supervisors must make sure they have a sufficient supply of the Voter Registration Form for themselves and the city or town clerk. Use the November 2024 version of the Voter Registration Form.

Certifying Nomination Papers

Individuals seeking to be placed on the general election ballot as a candidate who is not nominated by a political party may use nomination papers. The candidate must submit completed nomination papers for certification to the supervisors in the town or city in which the voter is registered no later than 5 p.m. on the Wednesday 5 weeks prior to the State Primary Election. To be valid, the voter must sign and date the nomination paper in the year of the election. RSA 655:40; RSA 655:40-a; RSA 655:41. Beginning in 2028, each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Friday 5 weeks before the primary. RSA 655:41, I (eff. Jan. 1, 2028).

The supervisors are required to verify that the person signing the nomination is a registered voter in their town/ward. The supervisors must have the certified nomination papers available for the candidate no later than 5 p.m. on the Wednesday 2 weeks prior to the primary (and no later than

5:00 p.m. on the Friday 2 weeks before the primary beginning in Jan 2028). RSA 655:41-3. They must provide notice of meetings to verify nomination papers in a manner consistent with RSA 91-A, which requires that at least two public notices be placed 24 hours prior to the meeting. City clerks may perform the responsibilities of the supervisors of the checklist relating to certification of petitions. RSA 655:41, II.

Certification of the Checklist

After making the final pre-election additions and removals from the checklist, the supervisors are required to certify two copies of the checklist and file them with the clerk. RSA 654:29. Election officials in hand count towns must use both certified copies as the checklist for the election; election officials in machine count towns must use one certified copy as the checklist for the election.

Checklists For Additional Polling Places

Supervisors must prepare a list of the voters entitled to vote in the polling place using SVRS. No later than 14 days prior to the election, they must post a copy at the town or city clerk's office or at the town hall. They must also give the town clerk two copies of that checklist for use on election day, certified by the supervisors. RSA 658:12. After supervisors hold their final session, if any names have been added to the checklist for the additional polling place, provide the clerk with two certified copies of the updated checklist.

Providing the Checklist to the Public

New Hampshire law provides that any person can obtain copies of:

1. The "public checklist" (the checklist reflecting the most recent additions and/or removals authorized by a vote of a majority of the Supervisors of the Checklist); and
2. The "marked checklist" used at a prior election. Clerks are required to retain a copy of the marked checklist from each state and local election as a public record for 7 years.

"Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section." RSA 654:31, I(d).

The law prescribes a fee for a copy of the most recent "public checklist," for a town or city in the amount of $25, plus $0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. RSA 654:31, II. The Right-to-Know law explicitly provides that when a statute establishes a fee by law, that fee applies, not the usual "actual cost of providing the copy." RSA 91-A:4, IV(d).

The law additionally allows for one free request to be made per election before the above fee of up to $25 is charged for an electronic copy to be sent by email or other electronic media provided by the clerk. Supervisors should work with clerks to keep track to see who has requested a copy of the checklist as if a second request is submitted during the same election period, the person will need to pay the fees in accordance with law.

The statute setting a fee for the "Public checklist" does not apply to the fee for a copy of a "marked checklist." Therefore, for the marked checklist, the town or city's usual fee per page for a paper copy of a public record applies unless the marked checklist has been scanned into PDF form, in which it should be provided for free. RSA 91-A:4, IV. "[T]he person requesting the copy may be charged the actual cost of providing the copy . . ." RSA 91-A:4, IV.

The marked checklist does not fall within the definition of a "public checklist" established in RSA 654:31, I(d). That section addresses the current checklist reflecting the "most recent" additions and removals made by the supervisors. The marked checklist from past elections is an historical record of who was a registered voter as of the end of that election day and who is marked as receiving a ballot or voting by absentee ballot. The "public checklist" and a "marked checklist" are two distinct governmental records. Different fees apply for a copy. RSA 91-A:4; RSA 654:31; RSA 659:102.

The supervisors are required to provide copies of the checklist, at the fee set by statute, to those who request it. However, the Right-to-Know law requires that a public record that is immediately available be provided immediately. Do not deny a person making a request for a copy of the checklist in person because there are pending changes but inform the person that the checklist they are receiving is not current. Do not unreasonably delay a request received by mail while corrections are made.

The supervisors may only provide checklist information for their own town or city.

The information on the checklist that supervisors of the checklist may provide, upon payment of the fee, includes the voter's name, street address, mailing address, town or city, and party affiliation, if any, of every registered voter in the town or city ward. Date (or any date range) of a voter's registration is not public information. New Hampshire Constitution, Part 1, Article 8; RSA 654:25; RSA 654:31; RSA 654:31-a; RSA 654:45; RSA 659:13; RSA 659:102.

Checklist Available in Electronic Form

RSA 654:31, II requires that the clerk or supervisors of the checklist provide the current checklist in either paper or electronic form, in accordance with the person requesting the checklist's preference. SVRS allows selecting the PDF (can be provided in electronic form or printed to paper), XLS (Excel – an electronic file), CSV (Comma Separated Values – an electronic file), or HTML (Web page view, can be printed to paper). The fee for the checklist remains the same and applies to both paper and electronic copies of the checklist.

Provide an alpha voter list. An alpha voter list contains the same information as the official checklist, except no bar code. The bar code contains only the voter ID number, which is also printed as a number. A checklist with the barcode uses more pages for the same number of voters. Neither the electronic checklist nor the alpha voter list includes voter history.

Refer to SVRS under Help Instructions Voter Information - Public or Private. Provide public records in the form the person requests, when doing so is reasonably practical. Green v. School Administrative Unit #55, 168 N.H. 796, (N.H. 2016). Note that if a report is private, the report will state Private and Confidential – Not for Public Disclosure on the top.

It is a crime to knowingly use the checklist information for commercial purposes such as selling or offering for sale any property or service unrelated to an election or political campaign. RSA 654:31. For-profit corporations are not prohibited from purchasing checklists but may not use the information for commercial purposes. Supervisors are not responsible for enforcing this law but may want to inform a person purchasing a copy of the checklist of this law.

Copies of the checklist may be sold to charitable non-profit corporations that request them.

The non-public checklist – the list of voters who are under protective orders pursuant to RSA 173-B:4 or who are confidential voters under RSA 7:46 – may not be provided to anyone, other than law enforcement, unless there is a court order requiring disclosure.

Election Day Duties

Attendance At Election

Supervisors shall be present at the opening of each election at which a checklist is used and shall remain in attendance until the close of the election. RSA 659:10.

Remove Deceased Voters Prior To Opening Polls To Voting

Supervisors are in public session on election day. Prior to the opening of the polls, they must review and, at the opening of the polls, act on any NHVRIN official death notices appearing on the dashboard, manually noting on all copies of the checklist that a voter has been removed and placing their initials next to the voter's name. Request the clerk to run the "Voter Checklist"

report from NHVRIN*plus*. Supervisors need to give the clerk a range of dates for this report. Use the date of the most recent report you reviewed through the day the report will be run, ideally on the Monday just before election day.

Primary Election Day Party Changes

Undeclared voters may, after declaring a party and voting in a primary, sign the list of undeclared voters created in SVRS which is provided at the polls to return to undeclared status on election day. Alternatively, some polling locations utilize an Undeclared Voters Election Day Party Affiliation Change Form. If a voter registered undeclared on election day, he or she can sign the Return to Undeclared form which is in the appendix. The Return to Undeclared list shall be retained by the board of supervisors. RSA 654:34, II.

No person who is already registered to vote, whether their party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election. RSA 654:34, IV (2026). Beginning in 2028, no person who is already registered to vote, whether their party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Friday in March and the day before the state primary election. RSA 654:34, IV (eff. Jan. 1, 2028).

Voters who have declared an affiliation must change their affiliation before the first Wednesday in June or they are limited to voting in the primary of the party with whom they are affiliated on primary day. A declared voter may change their affiliation on primary day, but then the voter may <u>not</u> vote in that primary. RSA 654:34.

Electronic Poll Books

Some cities and towns have received approval for the limited use of electronic poll books in parallel with the statutory paper checklist process. No town or city may use a parallel system without the approval of the Secretary of State. Electronic poll books can be used at elections, town business and deliberative sessions and special meetings, and school district business and deliberative sessions and special meetings. RSA 652:27, I.

Electronic poll books allow a voter to check in at any check in station. There is no need to queue up at the check in designated for the first letter of the voter's last name. Lines that form at one check in station while other check in stations are idle no longer occur. Election officials report that this parallel use significantly speeds up voter check-in for previously registered voters and is helpful for determining the number of voters who received a ballot at the end of the night.

Under a parallel processing system, election officials must simultaneously fulfill all the requirements of law, as if no electronic poll book is in use. Officials typically do this by having additional appointed assistant election officials who use the check-in receipt issued by the electronic poll book to mark a paper checklist, as if the voter had checked in at the paper checklist. At some polling locations, ballot clerks staffing the electronic poll book keep the check-in receipt and issue the voter a ballot immediately upon checking in the voter. At other polling locations, ballot clerks staffing the electronic poll book give the check-in receipt to the voter, who brings it to another table of ballot clerks to exchange for a ballot. Either way, election officials must use the receipts to mark the paper checklist. RSA 652:27 allows up to 30 minutes lag between the e-poll book recording a voter check-in and the marking of the paper checklist. All voters, including election-day registrants and absentee voters, must be marked on the paper checklist. The marked paper checklist serves as a backup in the event the electronic poll book system fails and as a permanent paper record of who voted.

Cities and towns may use electronic poll books alone for voter registration and check in at a local or state election only if the electronic poll book program has been recommended for approval by an evaluator approved by the Secretary of State

and the system has been approved by the Secretary of State. The use of electronic poll books must follow the requirements issued by the Secretary of State.

Each individual voter receipt issued by an electronic poll book system, which is then used in the parallel hand marking of the official paper checklist, should be retained for 7 years. There is no explicit retention period stated in the e-poll book law or RSA 33-A:3-a. We recommend retaining all electronic poll book (poll pad) receipts at a minimum for the same period you are required to retain the marked checklist, 7 years. RSA 33-A:3-a, CXL.

Election Day Registration

Any person qualified as a voter may register to vote with the supervisors on election day at any election. RSA 654:12. See the Voter Registration Section for more details on proving each of the four qualifications.

Any person who is unregistered who wishes to vote in any election shall proceed directly to the supervisors of the checklist to register in the polling place. Individuals must be 18 years of age or older and must present proof of identity, age, domicile, and citizenship.

Procedure:

1. Applicant for registration goes to the supervisors of the checklist. Supervisors check to ensure the individual is not already registered and on the checklist.
2. If the individual is already registered to vote, but is not in the correct voting place, the supervisor will direct the individual to the correct town or ward.
3. Applicant presents proof of qualification as a voter for that polling place.
4. Either the applicant or supervisors fills out a voter registration form (November 2024 version) by printing legibly. The applicant is directed to read the affidavit and sign the affidavit section of the form. RSA 654:12.
5. Once the registration form is completed, the supervisor directs the voter to the ballot clerks. By providing a New Voter Authorization Form or otherwise communicating with the ballot clerks, ensure the voter's name, address, and party affiliation get written on the checklist.

See sample New Voter Authorization Form in the appendix.

Challenges of Voters

Challenges to a voter's eligibility cannot be made at the voter registration table or directly to the supervisors. A challenge to the identity, age, citizenship, or domicile of a voter is made to the moderator. The moderator will bring challenges based on age, citizenship, or domicile regarding an in-person or absentee voter to the supervisors. The supervisors of the checklist must rule whether the challenged voter is qualified or not qualified. RSA 659:27; RSA 659:27-a; RSA 659:30; RSA 659:31; RSA 659:32.

The moderator decides challenges on other grounds, such as a claim that the voter has already voted in the election.

Certifying the Checklist

Before the election, the supervisors must certify that the corrected checklist according to their best knowledge contains [fill in number] of names of those persons, "*who are by actual domicile legal voters*" in the town or ward. A checklist printed from SVRS has a printed section for this purpose. RSA 654:29. Provide two certified copies to the clerk. The clerk and moderator must use those certified copies as the checklist for the election. Only one certified checklist is used at polling places where a ballot counting device is used.

After closing of the polls to voting the moderator and the clerk must certify the checklist marked by the ballot clerks under the supervision of the moderator, throughout election day and on which the names of those who registered on election day have been entered.

The moderator and clerk certify that it is the

checklist used by them on election day and that it contains a correct and complete list of the legal voters in their town or ward, including those who registered on election day. RSA 659:56.

Post-Election Day Duties

Preservation of Checklist After the Election

Within 90 days after the closing of the polls for each regular state general election and each presidential primary election, forward one marked copy of the check-in checklist used at the election to the State Archives in Concord: State Archives, 9 Ratification Way, Concord, New Hampshire 03301- 2410. Note that this law does not apply to the state primary or local elections. RSA 659:102.

After every election, a marked copy of the checklist must be preserved by the town or city clerk as a public record, for a period of at least 7 years. RSA 33-A:3-a; RSA 659:102.

Voting History in Town, School, and Village District Elections

The Secretary of State is required to provide political parties, political committees, and candidates for county, state, or federal office who purchase lists of registered voters, with each voter's history including each "municipal election" for the preceding 2 years. RSA 654:31, IV. This requires the supervisors of the checklist to scan or enter the history of voters into SVRS immediately after an election. Scanning in history has been required for city and town elections for some time. Where school elections are held simultaneously with town elections, it will be necessary for the clerk to include the school district in the name of the election. Where school district or village district elections are held on a separate date from the town election, the supervisors and the clerk must collaborate to enter the election into SVRS. The supervisors must scan or enter the history of the voters who participated in the school or village district election into SVRS immediately after an election. Many supervisors do this currently. Those who have not been documenting the voting history for separate school and village district elections must do so. The history for these elections also qualify towards the annual verification process.

Recording Use Of Out-Of- State ID

When a voter obtains a ballot with either an out-of-state driver's license or identification card, the ballot clerk shall record the state of issuance on the checklist. Within 30 days of the election, a supervisor of the checklist, or someone designated by the supervisors, shall record the state of issuance of a voter's driver's license or identification card in SVRS. RSA 659:13, I(b).

Certification of Checklist – Batch/Scan Election History

Once the supervisor of the checklist or clerk completes batching/scanning of the election history for all local or state elections in SVRS, it is important that the supervisors or clerk verify the checklist was batched both accurately and in its entirety so that they may mark it as complete and certified.

After verifying all the election history for all voters that were marked as voted on the checklist have been batched into SVRS, the supervisors of the checklist or clerk can mark the batched election as completed within SVRS under the Elections module. The supervisors will select the applicable election, check each letter of the alphabet they have completed batching until all letters A-Z have been marked as election history completed, and save.

Once the supervisors of the checklist or clerk have marked all letters A-Z as completed the election can be certified within SVRS under the Elections module. The supervisors of the checklist or clerks will select the applicable election and wards/districts and then check the box certifying that the scanning of the election has been completed. Note that if there were no out-of-state driver's licenses batched for the election being certified that the applicable box on screen is checked notating that for reporting purposes. Detailed instructions on how to complete and

certify an election can be found in SVRS Help Instructions.

Retention of Voter Registration Forms

All voter registration forms and other records relating to voter registration shall be retained securely in a municipal office under the direction of the town or city clerk. Those forms and records shall be readily accessible to the supervisors of the checklist. Any voter registration document submitted at a meeting of the supervisors of the checklist or at the polling place shall be filed at the office of the town or city clerk within 10 days of the meeting or election at which it was submitted. RSA 654:13-a.

Interstate Comparison of Records

The Secretary of State is authorized to enter into agreements with other states to compare voter records to identify voters who have moved and should be removed from New Hampshire checklists or who may have voted in two states in the same election. RSA 654:45, VIII.

A voter's date-of-birth and full middle name are valuable in any effort to compare voter registration records in two different jurisdictions. Cases exist where two different people in the United States have the same name and date-of-birth.

Supervisors should use legal means to obtain and enter voters' missing dates of birth and full middle names, either from existing voter registration files or by asking the voter to provide the information voluntarily.

Note: Clerks and supervisors are **not** permitted to conduct searches through NHVRIN or DMV records. Such searches are only permitted if the voter appears and signs an Application for Confidential Verification of a New Hampshire Vital Record or DMV Record **prior** to any record being searched. This form is available on SVRS. Clerks and supervisors who perform the search without a voter present in front of an election official may be referred to the Attorney General's Office.

When matching names and dates of birth are found as a result of the interstate comparison of records, and other information is obtained that makes it reasonably certain the two matched voters are the same person, Elections Help Desk staff will follow-up with local election officials so that they can send 30-day letters.

Maintaining an Accurate Checklist

The supervisors shall send notices by mail to the last known addresses of the persons whose names are being considered for removal, stating the reason for removal. Such notices shall also state the time and place at which the board of supervisors shall meet to consider the removal of that person's name. The date shall be at least 30 days after the supervisors send notice. RSA 654:38; RSA 654:39.

Supervisors of the checklist are obligated to identify the physical address of each voter and ensure that it is in the jurisdiction in which the voter is registered. When supervisors have reason to believe a voter has moved out of the jurisdiction, the following represent some justifiable reasons for sending a 30-day letter:

- Supervisors have heard from a reliable source that the voter has moved out of town.
- Supervisors cannot identify a physical address for the voter.
- Mail has been sent by the town/city, the clerk, or the supervisors to the voter at the mailing address in the voter's voter registration record and it has been returned by the United States Post Office as undeliverable.
    - **Note**: supervisors should also send the letter to the domicile address before removing the voter from the checklist. Closure or discontinuation of a mailing address does not necessarily constitute a change of domicile.
- A notice of transfer, notice of address change, or USPS National Change of Address ("NCOA") has been received from the USPS or the New Hampshire Department of Safety (directly or through SVRS) in circumstances where it is more likely than not

about the voter, but not reasonably certain that the notice pertains to the voter. See "Notice of Permanent Change of Address" below.

- A reliable source provides mail sent by the source to the voter at the mailing address in the voter's record which has been returned by the United States Post Office as undeliverable. If the Post Office mark reports the person has permanently moved, the voter can be removed without a 30-day letter.

The person whose name is being considered for removal shall have a chance, either in person or in writing, to give the reasons why his or her name should be kept on the checklist. The supervisors shall not remove a person's name from the checklist until after the completion of such person's written or oral statement, if they elect to make one. The supervisors shall keep records as proof of compliance with the notice requirement. RSA 654:44.

Reports Of Transfer

Notices of transfer inform supervisors of the checklist in New Hampshire that a person currently registered in their town or ward has registered to vote in a new town, ward, or state. Notices of transfer from one New Hampshire city or town to another appear on the SVRS dashboard. If the supervisors receive notice of a transfer, they shall remove that name from the checklist at the next session for the correction of the checklist. The notice shall be retained for at least one year as proof of removal of that name. When the voter registers in another New Hampshire town or ward, SVRS maintains this information automatically. RSA 654:36. It is helpful for clerks in larger towns and cities that have multiple wards if the clerk of the new residence indicates the voter's previous street address on the voter registration form. See Notice of Transfer on page 138 for further guidance.

Notice Of Permanent Change Of Address

Supervisors shall also either remove a person's name from the checklist or send the person a 30-day notice letter if notice is received from the United States Post Office, the Department of Safety, directly or through SVRS, that the person has permanently moved from the town or ward where he or she is registered to vote.

National Voter Registration Act

With the implementation of the National Voter Registration Act (motor voter law), town and city clerks are receiving notices of transfer from several states via the New Hampshire Secretary of State's Office. If a person who is a resident of another State has signed a voter application in that State, and the report of transfer is received, the supervisors are authorized to remove that name from the checklist.

If the individual did not intend to have his or her name removed from the New Hampshire checklist, he or she may reapply and sign a new voter application upon his or her return to New Hampshire. A person may have only one voting domicile and therefore should only be registered to vote in one town or ward at any one moment in time.

However, as the law does not require a voter to notify election officials when he or she permanently moves, it is not a violation by the voter when his or her name is found on the checklist in two or more different towns, cities, or states. It is the responsibility of election officials to work together to sort out where it is more likely than not that the voter is currently domiciled. In many cases federal and state law require election officials to confirm the permanent move with the voter before removing him or her from the checklist.

Supervisors to Review Property Transfers

Supervisors will review property transfers to "facilitate period maintenance of the voter checklist." RSA 74:18. See further guidance on reviewing property transfers on page 141.

Verification of Checklist

The supervisors of the checklist shall verify the checklist **annually** or:

- On petition of 50 registered voters or 5% of the registered voters, whichever is less, subject to approval after a public hearing by the Ballot Law Commission.
- On petition of a majority of the board of supervisors filed with the Secretary of State no later than the eighth Friday after a state election, subject to approval after a public hearing by the Ballot Law Commission.

RSA 654:38 further describes the procedure for verification of the checklist. RSA 654:39.

REQUEST TO CORRECT THE CHECKLIST

Any person can, at any time, submit an application for correction of the checklist to the supervisors for their consideration at their next meeting. This, in effect, allows anyone who believes another person who is not qualified as a voter in the town or ward is on the checklist to report this to the supervisors. The supervisors should investigate and if they determine it is warranted, send a 30-day letter, notice of removal to the person. This will require the person to affirm his or her qualifications as a voter. RSA 654:36-a; RSA 654:28.

RSA 654:36-a establishes the following procedure for processing a request to correct the checklist:

> *"I. A supervisor of the checklist, the town or city clerk, or any other person, may submit a request for correction of the checklist to the supervisors of the checklist or to the town or city clerk based upon evidence that a person listed on the checklist is not qualified as a voter in the town or ward. The clerk shall forward requests for correction of the checklist to the supervisors of the checklist. At the next session of the supervisors, they shall examine the requests and determine whether or not it is more likely than not that the person's qualifications are in doubt.*
>
> *II. If the supervisors of the checklist determine that it is more likely than not that the person's qualifications are in doubt, they shall send a notice to the person and afford the person at least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day notice or responds but fails to provide proof that establishes that it is more likely than not that the person is qualified to vote in the town or ward, the person's name shall be removed from the checklist."*

RSA 654:36-a. This law requires that a request to remove a person from the checklist be based on evidence. The supervisors of the checklist must evaluate whether, if true, the information provided in the request would make the person listed in the request disqualified as a voter in the town or ward.

The supervisors must determine if the evidence provided constitutes reasonable evidence. For example, a letter stating "please remove the following people from the checklist" and listing one or more names does not constitute evidence that these people are no longer qualified as voters. Similarly, a letter stating: "please remove John Doe from the checklist because I think he might have moved," does not constitute evidence, it merely states an unsupported suspicion. But, a letter stating, "Please remove John Doe from the checklist, as he used to be my neighbor and he moved to Florida in June" does state evidence.

If a reasonable person reading the request for correction of the checklist would conclude that, if found true, the evidence in the request would prove the person was no longer qualified as a voter, the 30-day notice letter must be sent.

DECISIONS SUBJECT TO CHALLENGE IN SUPERIOR COURT

Any citizen may bring a complaint before the Superior Court if they believe his or her name or the name of some other citizen is illegally placed on the checklist or is illegally being kept off the checklist. RSA 654:42.

NO PHYSICAL (DOMICILE) ADDRESS INFORMATION ON FILE

Supervisors of the checklist have a legal obligation to ensure that every voter has a residence in the town or city ward in which the voter is registered to vote. Each voter must have a physical (domicile) address.

RSA 659:13, requires that ballot clerks must "*state the address listed on the checklist for the voter,*

and ask if the address is correct" – before providing a ballot to the voter on election day. This is an opportunity to update address information in voter registration files. Supervisors should re-check the checklists for address updates since active voters should have provided ballot clerks with such information on every election day.

Notice Of Duplicate Voter

Registered voters who have moved will sometimes appear twice in SVRS if the official entering the voter does not search in voter inquiries first to distinguish if a voter is transferring from one town/city to another. Supervisors of the checklist have a legal obligation to resolve duplicates before an election and to maintain an accurate checklist at all times.

The Secretary of State is required to examine the place and date-of-birth for all voter records and, where these data points match, to compare names seeking to identify potential duplicate voter records. The Secretary may forward a list of possible duplicate voters registered in the state to the supervisors of the checklist for the jurisdictions where registered. The supervisors must determine whether the identified registrations are for the same voter or not. This may require comparing information on the voter with colleagues in other towns/cities and the use of a 30-day letter. The supervisors should keep a record of how each potential duplicate was resolved and report the resolution to the Secretary of State. While law now mandates this more formal process, the Secretary of State has been working with local election officials to identify and resolve duplicate voters for many years. RSA 654:45.

If the supervisors of the checklist receive a notice of a duplicate voter from the State or other jurisdiction, they should check their records, looking for information that would help identify whether it is one person or two different people.

Once they have identified that it is likely to be the same voter, they should refer to the registration date in SVRS and the paper record to attempt to determine in which town the voter is most likely to have registered most recently. It is reasonable to conclude that the most recent registration is the valid registration. Then, the supervisors or their staff must contact the supervisors or town clerk in the other jurisdiction where the voter is registered to resolve in which jurisdiction the voter should be registered. The supervisor or designee of the jurisdiction that should have the registered voter should log into SVRS, and if the voter is in another city/town they need to bring that voter into their city/town and update the record to match the record in their city/town. If the voter is within their own city/town, they will need to make sure both voter records match before proceeding. In order for a voter to be merged as a duplicate voter record, the "child" voter record needs to be in a removed status, with the reason "duplicate voter", prior to being merged with the "parent" voter record. Supervisors or clerks can reach out to the Elections Help Desk with any questions.

The supervisors should keep a record of how each question was resolved and report the resolution to the Secretary of State. Any evidence that a voter may have voted more than once in any election must be forwarded to the Attorney General for further investigation. RSA 654:45

Avoid Duplicate Voter Entries

Supervisors of the checklist must always check Inquiries/Voter Registration in SVRS before entering new registrants. They have an assigned ID number and voter history that is an important record. If an election official enters a new registrant without checking in SVRS for the name in Inquiries/Voter Registration, there is at least a 50% chance that they will create a duplicate unnecessarily.

Hint: To readily find a New Hampshire registered voter in SVRS, it may be useful to search "Statewide" in Inquiries/Voter Registration by entering a partial first and last name.

Checklist of Responsibilities

_____ Hold a public session for the correction of the checklist at least once every 90 days as required by law.

_____ Perform verification of the checklist annually.

BEFORE THE ELECTION

_____ Take the oath of office before engaging in the duties of the position.

_____ Register voters, requiring the applicant to present reasonable documentation to prove identity, citizenship, age, and domicile.

_____ Ensure that new voters are entered into SVRS in a timely manner and approve pending removals and approvals before providing copies of the checklist to the public.

_____ There is an exception for confidential voters: the name and address of a confidential voter shall not appear on the checklist at the request of the voter if he or she presents to the supervisors of the checklist a valid protective order pursuant to RSA 173- B:4, or if he or she is a confidential voter under RSA 7:46.

Note: if it is necessary to provide an uncorrected checklist to satisfy the requirements of Right-to-Know law, the recipient should be advised in writing that there are pending corrections to the checklist that are not shown on the copy of the checklist they are receiving. The Right-to-Know law requires that a public record that is immediately available must be provided immediately. RSA 91-A:4.

_____ Check voter inquiries in SVRS before entering new voter data.

_____ Enter into SVRS where a new voter was last registered to vote. The Secretary of State will send a notice of transfer to the chief elections officer of that state. If the voter was previously registered in NH, SVRS performs this function when you bring them into your jurisdiction.

_____ Maintain completed registration forms and checklists in alphabetical order, updated after each supervisor session or election.

_____ Routinely review the SVRS dashboard for voter information

_____ Removal of Voters (Note: A vote of a majority of the board of supervisors at a properly noticed public session is required to approve the pending removal and actually remove the voter from the checklist.)

_____ Send a letter to a voter and remove the voter if either (1) you receive a response from the voter affirming that he or she has permanently moved his or her domicile, or (2) the voter fails to respond to the letter within 30 days.

_____ Upon receipt of a notice of transfer that meets requirements, remove the voter from the checklist (or send a 30-day letter per above).

_____ Either remove a person's name from the checklist or send the person a 30-day notice letter if a Report of Address Change notice is received from the United States Post Office, the Department of Safety, or through SVRS that the person has permanently moved from the town or ward where he or she is registered to vote.

_____ Upon receipt of a notice of a transfer through SVRS from another NH board of supervisors, remove that voter from the checklist.

_____ Upon receipt of a copy of a death certificate, burial permit, or NHVRIN Matched Death Records in SVRS, remove the voter from the checklist.

_____ Conduct a NHVRIN Matched Death Records review on the day before every election. If the review

results in the pending removal due to death of any voter, the pending removal list should be printed and brought to the polling place.

_____ Supervisors have a legal obligation to resolve duplicates before an election.

_____ Party Affiliation Changes. A voter may change his or her party affiliation any time the supervisors are in session, except between the first day of the filing period for a primary up to the day of the primary election. For any application for party change submitted between the first Wednesday in June and the day before the state primary election, make the change following primary election day. An application to change party submitted to the clerk on or after the first Wednesday in June will not change the voter's party affiliation at the primary held in September. The same restriction on changing party affiliation applies between the start of the filing period and the presidential primary.

_____ Providing the Checklist to the Public. The supervisors and/or the clerk are required to provide copies of the checklist to those who request it.

_____ Post the checklist.

_____ For all state elections: No later than the 4th Tuesday before any state election, the supervisors shall post a current checklist at the clerk's office or at town hall.

_____ For primary elections: At least 10 days prior to a session for alteration of party affiliation before a primary, the supervisors shall post a current checklist at the clerk's office or at town hall.

_____ Certify a copy of the corrected checklist that was posted prior to the opening of the polls for use checking in voters on election day. Certify a second copy in hand count towns.

_____ Certifying Nomination Papers. The supervisors are required to verify that the person signing the nomination is a registered voter in their town/ward.

SUPERVISOR MEETINGS

_____ Public Notice. Whenever a quorum convenes for the purpose of discussing or acting on adding a voter, removing a voter, or sending 30-day letters to voters, these actions must be taken in a properly noticed public meeting. If the city/town has a website, the notice must be posted on the website. If no website, must be posted in a newspaper of general circulation. Also, if state law should call for additional postings, besides the two public places, like a newspaper of general circulation, you must also comply.

_____ Add Supervisor meeting dates, times and locations in SVRS. List all dates that have been approved for the year.

_____ The supervisors are required to hold one session prior to any state election (state primary, presidential primary, or general election) 6 - 13 days before the election.

_____ The supervisors are required to hold one session prior to the start of the filing period for state offices or the presidential primary.

_____ Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period between 7:00 p.m. and 7:30 p.m.

_____ Before the state primary election, the session shall be on the Tuesday before the first Wednesday in June between 7:00 p.m. and 7:30 p.m. Beginning in 2028, the sessions shall be on the Tuesday before the first Friday in March between 7:00 p.m. and 7:30 p.m.

_____ For all town, city, village district and school district elections, supervisors must hold a session on the day immediately prior to the first day of the filing period for candidates for town office from 7:00 p.m. to 7:30 p.m.

_____ In addition to the above, the supervisors should hold as many meetings as necessary to allow citizens in the community an opportunity to register or change party affiliation.

_____ Minutes of your supervisor session must be kept in accordance with RSA 91-A. Draft minutes must be made available not more than 5 business days from your session date.

ELECTION DAY

_____ Supervisors shall be present at the opening of each election at which a checklist is to be used and shall remain in attendance until the close of the election.

_____ Prior to the opening of the polls, review and, at the opening of the polls, act on any NHVRIN death notices or voters who moved out of your town that appear on the dashboard, manually noting on all copies of the checklist that a voter has been removed, with the reason and placing their initials next to the voter's name.

_____ Any person may register to vote at any election (i.e., primary and general elections, town, city, school district and village district elections).

_____ Challenges. The moderator will bring challenges based on age, citizenship, or domicile regarding an in-person or absentee voter to the supervisors who must rule whether the challenged voter is qualified or not qualified.

_____ Primary Election Day Party Changes. Undeclared voters may, after declaring a party and voting in a primary, sign the list of undeclared voters created in SVRS which is provided at the polls to return to undeclared status on election day or the form for the same purpose. If a voter registered undeclared on election day, they can sign the Return to Undeclared form, which is in the appendix. The Return to Undeclared list shall be retained by the supervisors.

AFTER THE ELECTION

_____ Enter any new voters in SVRS who registered with you on election day.

_____ Within 90 days after the closing of the polls for each regular state general election and each presidential primary election, forward one marked copy of the check-in checklist used at the election to the State Archives in Concord: State Archives, 9 Ratification Way, Concord, New Hampshire 03301- 2410. Please note that this law does not apply to the state primary or local elections. RSA 659:102.

_____ Maintain registration forms and checklists in alphabetical order, both of which must be updated after each election.

_____ Checklist Change of Address. If a voter has changed their address on the checklist indicating they have moved within their community, the supervisors of the checklist must note the change of address on the person's voter registration form and enter it in SVRS.

_____ Scan/batch into SVRS, immediately following any local, state, federal, village district or special election, using the official marked checklist, all voters who voted at the election. This scan also requires you to properly record if the voter voted absentee and whether an out-of-state driver's license (OOSDL) was used for identity at check-in. Any OOSDLs must be scanned in within 30 days of an election. At a primary, this will include scanning in the party affiliation of undeclared voters who joined a political party to vote in that party's primary.

_____ Once the scanning/batching of any election history has been completed, supervisors need to verify that the checklist was scanned/batched accurately and in its entirety. Once you have completely reconciled the official checklist, follow the steps necessary to certify the checklist in SVRS.

_____ After certifying your checklist in SVRS, for a primary, then you need to scan in the voters who

changed back to undeclared after voting in that primary. Only an undeclared voter can change back to undeclared. If a voter is registered as a DEM/REP, they are not allowed to complete an undeclared reregistration party change form.

_____ After each election, the supervisors shall use the checklist from that election to correct any voter data in SVRS, to include, but not limited to name and address changes

_____ Follow the process for removal of voters as detailed above.

Notice Requirements for Sessions

New Hampshire law imposes different notice requirements for informing the public before holding a session for correcting the checklist. This chart provides the notice requirements for each circumstance covered in the law. See page 142 for more guidance on supervisor sessions.

Session	RSA	Hold Session	Post w/Checklist two places	Publish in Newspaper	Publish on Website	Post
Annual Verification Step 1 (Approval of Voters to Send AV Removal Letters)	654:39	Between April 1 and August 1	Yes, one shall be town website	Yes (at least twice, but can be combined with Step 2)	Yes	Yes, at least 7 days prior to session
Annual Verification Step 2 (Removal of Voters Still on AV List)	654:39	Between June 1 and August 31	Yes, one shall be town website	Yes (at least twice, but can be combined with Step 1)	Yes	Yes, at least 7 days prior to session
Mandatory at least once every 90 days	654:27-a	Supervisors choose date, time, location	Yes, one shall be town website	Required only if not posted in 2 places including town website	Yes	Yes, at least 7 days prior to session
Pre-State filing period for state primary in 2026	654:32	Tuesday before first Wednesday in June between 7:00 p.m. and 7:30 p.m.	Yes, town clerk's office/ town hall	Not required	Recommended, not required	At least 10 days prior to session RSA 654:33
Pre-State filing period for state primaries after 2026	654:32	Tuesday before the first Friday in March between 7:00 p.m. and 7:30 p.m.	Yes, town clerk's office/town hall	Not required	Recommended, not required	At least 10 days prior to session RSA 654:33
State Primary Election	654:27	6 to 13 days prior to election	Yes, one should be town website	Required only if not posted in 2 places including town website	Yes	At least 7 days prior to session
State General Election	654:27	6 to 13 days prior to election	Yes, one should be town website	Required only if not posted in 2 places including town website	Yes	At least 7 days prior to session
Filing Period Presidential Primary	654:32	Friday preceding the first day of the filing period, between 7:00 p.m. and 7:30 p.m.	Yes, one should be town website	Not required	Recommended, not required	At least 10 days prior to session RSA 654:33
Presidential Primary Election	654:27	6 to 13 days prior to election	Yes, one should be town website	Required only if not posted in 2 places including website	Yes	At least 7 days prior to session
Before Filing period for town elections	669:5	Day immediately prior to first day of the filing period between 7:00 p.m. and 7:30 p.m.	Yes, one shall be town website	Required only if not posted in 2 places including town website	Yes	
Town Election	669:5, 654:25-31.	6 to 13 days prior to election.	Yes, one shall be on the town website.	Required, only if not posted in 2 places including town website.	Yes	

Before Filing period for school election (if held separately from town election)	671:15 669:5 654:25-654:31 671:22	Day immediately prior to first day of the filing period between 7:00 p.m. and 7:30 p.m.	Yes, one shall be town website	Required only if not posted in 2 places including town website	Yes
School District Election; Town Supervisors act as school supervisors	671:15, 669:5, 654:25-31.	6 to 13 days prior to election.	Yes, one shall be on the town website.	Required only if not posted in 2 places including town website.	Yes
Before Filing period for village district election if district has adopted official ballot voting	670:3 669:5 654:25-654:31 671:22	Day immediately prior to first day of the filing period between 7:00 p.m. and 7:30 p.m.	Yes, one shall be town website	Required only if not posted in 2 places including town website	Yes
Village District Elections*	670:3, 669:5, 654:25-31.	6 to 13 days prior to election.	Yes, one shall be on the town website.	Required only if not posted in 2 places including town website.	Yes
Voluntary Sessions			Sessions held as needed at Supervisors' discretion	Requires only notice of session – no requirement to post checklist	Yes, one of the two postings should be on the town website

(*) "*The [Village District] commissioners shall give the supervisors of the checklist 60-days' notice of any village district election.*" RSA 670:5.

Voluntary Sessions: Supervisors of the checklist should hold as many sessions as you deem necessary to complete your duties. In many towns, supervisors report that they meet regularly to process all outstanding applications and removals. Most boards of supervisors attend your town's annual meeting to be available to check voters in and when necessary to issue "yes-no," unofficial, ballots. Some boards will also hold a voluntary session for voter registration before and/or during that annual meeting. While not mandated by law, such a session allows a person who is qualified to register to get registered and to participate in the meeting. No election statute specifies the notice requirement for an optional session, therefore the notice requirement in the Right-to-Know law applies. RSA 91-A:2, II provides in pertinent part:

> *Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings.*

Therefore, even for voluntary "work sessions," you must follow the Right-to-Know law and ensure proper notice is given.

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Pre-Election Day

Mandatory Clerk Office Hours

Whenever the election laws require a filing with or an action by an official, such filing or action shall be performed before 5:00 p.m. on the stipulated day. The clerk's office shall be open between 3:00 p.m. and 5:00 p.m. RSA 652:20.

Oaths of Office

Town and city clerks are authorized to administer oaths where required. The person administering the oath signs it, as well as the person taking the oath. The term length and/or expiration must be noted. An oath template is available in the appendix and in SVRS Help Instructions. RSA 42:7 requires that if the oath is taken before someone other than the clerk, one of the selectmen, moderator or a justice of the peace, a certificate of the oath taking must be filed with the clerk within 6 days. RSA 92:5 provides oaths may be administered to town officers in town meeting, by the moderator, or at any time by the town clerk, one of the selectmen, or a justice of the peace; to officers of school districts, in school meeting, by the moderator, or at any time by the clerk, one of the school board of the district, or a justice of the peace; and to the moderator of the district, by any legal voter of the district. Note: A deputy clerk cannot administer an oath of office for a town clerk unless they are a justice of the peace.

Email Address, Street Address, Polling Hours, and Location

Clerks are required by law to maintain the following up-to-date information in SVRS: office address, office hours, public contact information (including an official email address and phone number), polling place address, polling place hours. This public information is made available to the public through the Secretary of State's website. RSA 654:45, VII; 657:19-c. Other information, such as the contact information for other election officials, the clerk's private email, etc. are important to ensure the Secretary of State can communicate with location officials, but this information is not public and not disclosed on the Secretary of State's website.

Accept Voter Registrations

Town and city clerks are required, during regular office hours, to accept voter registration applications and, subject to guidelines issued by the supervisors of the checklist, to take evidence of the applicant qualifications as a voter. RSA 654:8. Clerks or supervisors shall enter each applicant into SVRS. The clerk and supervisors should collaborate to determine who will do this data entry.

The current version of the voter registration form is the November 11, 2024 Form. The voter registration form has a section in the upper right-hand corner to document the circumstance in which the form is used:

> ____ NEW REGISTRATION. I am not registered to vote in NH.
>
> ____ TRANSFER. I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire.
>
> ____ NAME CHANGE/ADDRESS UPDATE. I am registered to vote in this town/ward and have changed my name/address.

There is public and legislative interest in the number of new voters registered. Distinguishing

new voter registrations from circumstances where a voter is already registered in New Hampshire but has moved from one town/ward to another or is using the form to document a name or address change helps provide accurate information on new registrations, in particular election day registrations. RSA 654:7.

When clerks receive applications in person, determine whether the application is for a new voter, a transfer, or a name/address change by searching the voter in Voter Inquiries in SVRS. Refer to the voter registration form in SVRS Help Instructions. The supervisors of the checklist make the ultimate determination of whether the applicant is placed on the checklist.

In cities, the city clerk receives evidence of change of domicile from one ward to another from any person already registered to vote. The clerk works with the supervisors/registrars to update the ward checklists to ensure the voter is listed in their new ward. RSA 654:8-a.

Clerks must also accept applications for change of party affiliation. The clerk shall require an applicant to give an oath or affirmation affirming his or her affiliation. Best practice is to have the voter complete the voter registration form so that if there are any changes to the voter's information it can be updated accordingly. The clerk must present such applications for change of party affiliation to the supervisors of the checklist who shall cause the party affiliation to be changed on the checklist as soon as permitted by law. Applications submitted between the start of the filing period for the state primary and state primary election day which were submitted to the supervisors will not be acted on by the supervisors until after primary day and will not be effective until after the primary. RSA 654:34-a. Document a change in party affiliation in SVRS.

Supervisors on rare occasions receive a voter registration where the applicant has changed the statutory wording on the form or answered "Are you a citizen of the United States" by checking "no" but presenting proof of citizenship. Best practice is to contact the Attorney General's Office for guidance on the proper treatment of such applications. Generally, a voter registration application that has the statutory language materially changed cannot be approved – an applicant who asserts they are not a United States citizen, as that question is worded on the form, while also presenting proof of citizenship cannot be approved. Applications must be from and signed by the individual seeking to register. Adding the word "agent of" in the signature box raises doubt as to whether the person named as applicant is the person who signed the form. Ensure the applicant has not just misunderstood the wording of the form or the requirements. If the applicant believes the wording on the form or the requirements of the vote are inconsistent with their understanding of the form or nature of our government, seek guidance from the Attorney General's Office before rejecting the application.

Notice of Death

Clerks may receive a notice of death from an estate executor. The estate executor or personal representative of an estate within 30 days of appointment shall provide the clerk an official notice of the death of any person age 18 or older. If the decedent is a voter and there is an official notice of death from NHVRIN in SVRS for the voter, no further action is required. If there is no official notice of death in SVRS and the notice received from the executor or personal representatives appears to be a valid death certificate, contact the State Registrar of Vital Records for assistance. If the notice is not an official death record, notify the supervisors of the checklist who must determine if the procedures for an unofficial report of death are appropriate. See RSA 654:37-a. RSA 654:37.

Checklist – One Free Electronic Copy Per Election

Any person may request an electronic copy of the checklist and receive one copy free of charge for each election. At the requesting person's option, the clerk must provide an electronic copy of the

checklist in sortable format such as a spreadsheet. At the requesting person's option, send the electronic copy by email. Clerks should keep track to see who has requested a copy of the checklist as if a second request is submitted, during the same election period, the person will need to pay the fees in accordance with law. RSA 654:31, II.

The presidential primary, state primary, state general election, and each town/school district election are considered separate elections for this purpose. The right to a free electronic copy of the checklist applies separately to each.

The $25 fee for a copy of the checklist now applies only to paper copies of the checklist **or** to a person requesting more than one electronic copy during the period leading up to the same election.

Notice of Filing Period

Town and City Clerks are responsible for accepting declaration of candidacy, nomination papers, and primary petition filings. For more information on this process, see the Preparation for Election Day, Candidacy Filings section for more details.

Voter Registration Events

Supervisors of the checklist and/or clerks may be requested to participate in voter registration or voter registration application intake events held in the community.

Promoting voter registration by qualified applicants is good for those voters and the public. Getting voters registered before election day additionally takes pressure off the election day operation. Best practice is that local election officials should only participate in non-partisan voter registration events. Voluntarily participating in a partisan event may create the appear that election officials favor one party or candidate over others.

Neither supervisors nor clerks have any statutory obligation to participate in voter registration events that occur outside their offices. If local officials want to participate in such events, they should adopt a local policy or practice and apply it consistently.

The decision to have one or more supervisors participate in a voter registration application intake event should be made by a majority vote of the board of supervisors at a properly noticed public session and included in the minutes of that meeting. Without a formal vote of approval from the board, an individual supervisor has no authority to act as a supervisor, including intaking applications outside a public session of the board. The motion and vote can be for a specific event or a more generic vote to allow individual supervisors to do intake at non-partisan events.

Providing good customer service and prompting qualified applicants to register to vote is good. It is prudent for local officials to think through how many resources they can make available, whether the public perception of the voter registration activity will be that it is a non-partisan event, and if the proposed event is the most appropriate way to make voter registration even more convenient for the target audience.

A voter registration event in which a quorum of the board of supervisors is present must be a properly noticed public session of the supervisors of the checklist. The supervisors need to make the decision on participating at a properly noticed public session and include that decision in its minutes of that session. *If it is a voter registration event, it must be open to the public*.

Often events focused on students turning 18 are planned on school property where the public is not permitted due to school safety rules and protocols. A clerk, the clerk's deputy, or other staff, or a single supervisor (with approval of a majority of the board) can participate in a voter registration application intake event that is not a public session of the supervisors. It is important to note that only a single supervisor can participate in intake sessions, as once two or more attend it becomes a quorum and therefore a public session.

The election official(s) participating would do essentially what the clerk does routinely at the

clerk's office – assist the applicant filling out a voter registration form, view and document and/or obtain copies of the proof of qualifications documents, and, where necessary, assist with completing a qualified voter affidavit for citizenship to meet proof requirements. The applicant is not "registered" at the event. The applicants and documents are submitted to the supervisors of the checklist at their next properly noticed public session. The supervisors vote on accepting the application and send written notice to the applicant either that they are registered or explaining why their application was rejected and what they need to submit to get registered.

Inspect Ballots Upon Receipt

The town or city clerk must open all boxes of ballots received from the Secretary of State for a state election in the presence of at least one other voter as soon as possible after receiving those boxes. The clerk must verify that the ballots are the proper ones for that town or city and then reseal the boxes using the sealing labels provided in the box. RSA 656:20, 22, & 29.

Pre-Election Storage of Electronic Ballot Counting Device External Storage Devices

When clerks in towns which use an electronic ballot counting device receive the programmed storage devices from their vendor, the clerk is required to lock any storage device in a safe which is not plugged and appropriately sealed into a ballot counting device. The clerk must also maintain an activity log which documents access to the safe; the activity log is available in SVRS.

Test Ballot Counting Devices and OmniBallot Accessible Voting System

Ballot Counting Devices

The clerk is responsible for testing all electronic ballot counting devices and programmed external storage devices in the municipality's possession. RSA 656:42, VIII(e)(10). Testing must be conducted during a publicly noticed meeting no later than the Wednesday before an election. Specific testing standards and guidance is available in SVRS Help Instructions.

Clerks must ensure that the pre-election testing is documented by preserving the test ballots, the count of votes on the test ballots made by the town or city clerk, and the results from the electronic ballot counting device that was testing. Documentation of the pre-election testing must be readily available on election day. Note that the pre-election certificate requires the moderator and the clerk to certify on election day that there is evidence of successful pre-election testing on each electronic ballot counting device and each memory device in the town or city clerk's possession.

Clerks and moderators are additionally required to certify, by signature on the pre-election certification on election day, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken were appropriately resealed and documented in the activity log.

Activity Logs

Each ballot counting device must be sealed in the manner required by the Secretary of State. Activity logs are available in SVRS Help Instructions. Seals ensure that a ballot counting device cannot be tampered with or improperly accessed. An activity log for each ballot counting device is available on SVRS. The activity log documents each removal and installation of seals on a ballot counting device, and specifically requires the date, which seal was installed or removed, the number imprinted on that seal, the reason for the removal or installation, a signature by the remover or installer, and signatures from two witnesses.

The activity log provides a history of each time an individual accessed the device; missing entries – for example, a seal placed on a device with no matching entry – may be due to a forgotten log entry, but it can also be a possible indicator of improper or unauthorized access to the device. Election officials should contact the Secretary of

State's Office for guidance regarding all missing log entries.

OmniBallot

The OmniBallot system must be tested prior to each election. If you are a machine counting device town and you haven't tested your device, you must test them together following the guide to marking a test deck. If you have already tested your device or are a hand count town, then test upon receipt of your marking file and ballots.

Turn on and test the OmniBallot before the polls open. Check the tablet regularly throughout the day. If the screen is dark during an election, the system may have not been turned on as required.

The OmniBallot must be set up and available for use by all voters in all elections. No voter is required to disclose their disability in order to use the OmniBallot. Any voter may use the machine, regardless of disability status, upon request. Do NOT ask a voter what disability they have, or why they need to use the machine. Instructions for the operation, storage and security of the OmniBallot can be found in SVRS Help Instructions.

Supply Polling Place Ballots, Checklists, Forms

The clerk must bring to the polling place the ballots, absentee ballots, checklist, OmniBallot accessible voting system, and election forms supplied by the Secretary of State for election day. In ballot counting device towns, the clerk must also bring the ballot counting device(s). RSA 658:9. The clerk also prepares the other supplies needed for the election. See recommended list at page 213.

Post Sample Ballots

State and Presidential Primary Elections

The package of primary election ballots will include 10 sample ballots for each political party. The clerks must post 2 sets of sample ballots in public places in the town or ward within 1 day after they are received. The remainder of the sample ballots are posted outside the guardrail in the polling area on election day. RSA 656:28. Post one of each party's sample ballot at a height of 48" so voters in wheelchairs can conveniently access them.

State General Election

10 sample ballots are printed and sent to the town or ward clerk to be posted in 2 public places within the community. Post the remainder of the sample ballots outside the guardrail in the polling area on election day. RSA 656:18, 26. Post one sample ballot at a height of 48" so voters in wheelchairs can conveniently access them.

Absentee Ballots

Absentee Ballot Applications

Voters eligible to vote absentee must apply to the clerk in the town or city in which they are domiciled using a form provided by the Secretary of State on its website (https://www.sos.nh.gov/elections/absentee-ballots). The application requires the voter provide their phone number and email address. However, some voters may not possess or may opt not to provide this information, treat the application as valid if this information is missing. The phone number and email address provided are confidential and exempt from disclosure under the Right-to-Know law. RSA 654:31-a.

The law now requires an identity verification for non-UOCAVA absentee ballot applications. RSA 657:17-c. Absentee ballots cannot be issued unless an applicant provides sufficient verification with one of the three following identity verification methods:

1. Provide a copy of the voter's photo identification that meets the requirements of RSA 659:13, II(a);
2. Personally present a photo identification to the clerk or their designee which meets the requirements of RSA 659:13, II(a); or
3. Notarize the voter's signature on their absentee ballot application.

Non-UOCAVA absentee ballots cannot be mailed or issued unless the clerk has received an application along with photo identification or a

notarized signature as detailed above. If a clerk receives an informal request – for example: an emailed request for an absentee ballot without an application – the clerk should send the voter an absentee ballot application or direct them to the form available on the Secretary of State's website. The absentee ballot application and one of the three sufficient verification methods can be sent by e-mail, mail, fax, or delivered in person to town and city clerks.

All non-UOCAVA voters must submit a separate absentee ballot application for the primary election and the general election.

Non-UOCAVA absentee ballot applications must be postmarked or received within six months of the election for which the absentee ballot is requested. RSA 657:6. Applications received more than six months before the election for which the absentee ballot was requested must be rejected, and the clerk shall notify the applicant within seven days that the application was rejected. RSA 657:16. In that notice, clerks should include a new absentee ballot application form and identify the earliest date an application can be received.

Receipt of Application and Verification

Upon the receipt of an application for an absentee ballot, the clerk shall check to ensure that the applicant's name is on the checklist, the application is signed by the applicant (or a person assisting the applicant if applicable), the applicant marked their qualifying circumstance which permits absentee voting in the appropriate place, and one of the three identity verification methods is satisfied.

If the absentee applicant is not registered or pending registration approval in that town, the clerk shall mark the absentee ballot application "Not Registered" and send the applicant: (a) an absentee registration form; (b) absentee ballot, if available; (c) affidavit envelope, marked with words "Note Registered;" (d) return envelope, marked with words "Not Registered;" (e) notice of requirements for absentee voting; and (f) written notice of what documents and forms the applicant must return in order for their absentee ballot to be counted.

Absentee ballot applications must be postmarked or received within six months of the election for which the absentee ballot is requested. RSA 657:6. Applications received more than six months before the election for which the absentee ballot was requested must be rejected, and the clerk shall notify the applicant within 7 days that the application was rejected. Note: This does not apply to UOCAVA voters. RSA 657:16. In that notice, clerks should include a new absentee ballot application form and identify the earliest date an application can be received.

Although not required, clerks should stamp or otherwise mark the application with the date received and note on the application that it was rejected because it was not received or postmarked within 6 months of the election for which the absentee ballot was requested. After notifying the applicant that their application was rejected, the clerk should save a copy of the notice with the rejected absentee ballot application. The rejection will not be able to be recorded in SVRS because it will have been received prior to six months before the election, so the notice should be retained locally.

Mailing or Delivery of Absentee Ballots

The clerk must mail or personally deliver the absentee ballot, without delay, making certain that the appropriate ballot, affidavit envelope, and instructions are enclosed. The clerk may designate an assistant to deliver an absentee ballot provided that the assistant is not a candidate for office or working for a candidate. The clerk shall mail absentee ballots in response to verified absentee ballot requests received by noon and hand to the voter any in-person requests received by 5:00 p.m. on the day before the election. RSA 657:15. If the clerk's office is open later than 5:00 p.m. it is permissible to issue an over-the-counter absentee ballot until the clerk's office closes. Being open until 5:00 p.m. is a minimum requirement, not a deadline.

For the delivery of absentee ballots to UOCAVA voters, see the UOCAVA section.

Absentee Ballot Request – Person Not Registered

Upon receiving an absentee ballot request from a person not registered as a voter, a clerk is authorized by law to send the unregistered person a ballot, a written notice of what they need to do to get registered and the forms necessary for the applicant to get registered. The instructions must clearly indicate that the applicant must put the voter registration form and any supporting documents in the outer envelope, not the affidavit envelope, when returned to the clerk. In SVRS Help Instructions is a complete absentee not registered to vote package that can be utilized.

The clerk needs to mark the absentee ballot affidavit envelope, the outer envelope the voter will use, and the absentee ballot application with the words “Not Registered” to ensure that, if the person returns the envelope, the clerk is alerted that envelope contains the documents necessary to become registered as a voter. RSA 657:16. Clerks are instructed to forward any voter registration documents to the supervisors of the checklist immediately upon receipt.

If a voter registration application is received after the supervisor’s last session before the election, do NOT enter the voter into SVRS. The voter will be treated as an election day registration and all forms will need to go to the polls on election day. If the voter is entered prior to election day, the supervisors will not be able to accurately balance their checklist of election day voters because the voter registration date will not show as election day.

At the polls on election day, if an outer envelope is returned without the forms and documents necessary to complete the voter’s registration, before rejecting the absentee ballot because the person is not registered, the inner affidavit envelope must be opened to determine if it contains the documents necessary for registration. The ballot must not be removed from the envelope and must remain folded. If the envelope does not contain the missing registration forms or documents, the envelope must be immediately sealed with staples or tape, with the unexamined ballot still inside. The clerk must write a short explanation on the envelope. Treat the envelope in the same manner as a rejected absentee ballot envelope. RSA 654:13; RSA 657:26.

List of Absentee Voters

The clerk shall use SVRS to maintain an up-to-date list, arranged by voting place, of all (regular and UOCAVA) applicants to whom absentee ballots have been sent, and shall identify on the list those absentee ballot envelopes which have been returned by the voter. RSA 657:15.

Provide a copy of the list of absentee ballot applicants to a candidate, at cost, upon receipt of a direct request from the candidate or from a person presenting an original or a copy of a notarized request from a candidate. Candidates and candidate representatives can only obtain the candidate absentee ballot list for the ward or district they are a candidate in. RSA 657:15, II. The list shall include only voter name and address where registered, voter ID number, voter’s party, the type of election the absentee ballot was requested in, the date the absentee ballot was requested, the date the absentee ballot was requested, the date the absentee ballot was sent or handed to the voter, and the date the absentee ballot envelope was returned. RSA 657:15, III. If a candidate requests the list in electronic format, it must be provided in electronic format free of charge. RSA 657:15, II.

The absentee ballot list is otherwise a non-public document. Because of the non-public nature of this list, emailing such lists is not permissible. RSA 657:15; RSA 654:31-a. The list of voters who have requested absentee ballots is available in different electronic formats in SVRS. Due to cyber security concerns and in order to protect the privacy and security of absent voters’ homes, do not email the absentee applicant list. Rather, provide the list

through an alternate, secure electronic transfer method.

The list shall exclude voters who have requested confidential voter status and presented to the supervisors of the checklist or the clerk valid protective orders pursuant to RSA 173-B:4 or who are confidential voters under RSA 7:46. RSA 657:15.

Voter Information Lookup

The Secretary of State maintains a public website that enables an absentee voter to enter their name, town, and date of birth to determine whether and when their:

- Absentee ballot request was received by the clerk;
- Absentee ballot was mailed or delivered to the voter;
- Whether an envelope purporting to contain the marked absentee ballot was received by the clerk from the absentee voter;
- If the absentee ballot was received back from the clerk as undeliverable; and
- If the absentee ballot is rejected on election day and not counted, the reason for rejection.

To ensure the voters know what happened to their absentee ballot request and their returned absentee ballot, it is important to keep data entry into SVRS up to date and the feedback current. Information on voting instructs voters to call the clerk if they do not find the expected entry in the Voter Information Lookup. Keeping input current will help diminish phone call inquiries.

The system provides transparency of the absentee ballot process for the voter. Information on rejected absentee ballots helps absentee voters correct their mistakes in the future. RSA 657:26.

The city or town clerk shall provide instructions to absentee voter applicants describing how to access the Secretary of State's "Voter Information Look-up" at https://app.sos.nh.gov/viphome. This may be accomplished with a link from a town/city website to this URL. RSA 657:26.

Voter Delivery of Marked Absentee Ballots to Clerk

A voter who has received an official absentee ballot must either mail or personally deliver the marked absentee ballot in its inner affidavit envelope and outer mailing envelopes to the town or city clerk. Note that the absentee ballot does not need to be placed in the outer envelope if it is hand delivered to the clerk. Alternatively, a delivery agent may hand deliver an absentee ballot to the town or city clerk's office or, on election day, to the town, city, or ward clerk at the polling place no later than 5:00 p.m. Only the following are authorized by law to serve as a delivery agent:

- The voter's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild;
- The administrator or administrator's designee of a nursing home (if the voter is a resident of the nursing home);
- The administrator or administrator's designee of a residential care facility (if the voter is a resident of the residential care facility); or
- A person who assists a voter with a disability with voting absentee and signs their name on the affidavit on the line for identifying a person who assisted the voter. This type of delivery agent is limited to delivering no more than 4 absentee ballots in any election.

RSA 657:17. A delivery agent must sign an Absentee Ballot Return Form when delivering an absentee ballot on election day. As a best practice, clerks should request that delivery agents complete an Absentee Ballot Return Form when delivering absentee ballots to the clerk's office before election day. The form is available in SVRS.

The law does not authorize clerks to receive completed absentee ballot return envelopes from anyone other than the voter, a delivery agent, or the U.S. Mail (including UPS, FedEx, and other commercial delivery services).

The law creates an effective deadline the day before the election for a voter to personally return an absentee ballot. Clerks or a designee are required to be available between the hours of 3 p.m. and 5 p.m. on any day that is a deadline for an election law filing, including the Monday before an election to receive absentee ballots. RSA 652:20. The law explicitly requires the clerk's office to be open to receive absentee ballots:

> *"(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the day immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots."*

RSA 657:1(c). Absentee ballots delivered by mail shall be accepted by the town or city clerk no later than 5:00 p.m. on election day. RSA 657:22. If a voter appears in person at the polls to deliver their own absentee ballot, the voter should be directed to vote in person using an election day ballot. The voter must turn in the absentee ballot, preserve it unopened, and mark "voted in person" on the unopened ballot. The rejection reason must be entered into SVRS.

Clerk Receipt of Marked Absentee Ballots

Upon receipt of an outer envelope purporting to contain an official absentee ballot, the clerk shall attach the voter's absentee ballot application form to the return envelope and record the information in SVRS. All such envelopes shall be preserved unopened until election day. RSA 657:18.

Any absentee ballots received in the mail prior to 5:00 p.m. on election day must be considered valid if the affidavit envelope is properly filled out, the voter is qualified, and the voter has not already voted in person. RSA 657:22.

Do not reject a UOCAVA voter's ballot for lack of an attached application. RSA 657:23. Note, however, that in order for a moderator and clerk to accept a Federal Write-In Absentee Ballot ("FWAB"), there must be a Federal Post Card Application ("FPCA") on file requesting a state absentee ballot.

Voters with Physical Disabilities

Accept and treat as valid an absentee ballot application or an absentee ballot affidavit envelope that has no signature on the line for the voter's signature but does have the printed name and signature of a person who assisted the voter. Voters with a disability should sign these forms if able, but if the voter is unable to do so, the signature of the person assisting is sufficient.

If requested, make some accommodation to allow a person with a disability that prevents the voter from signing their name to vote. The best practice would be for the clerk to appoint someone neutral to take the absentee ballot to the voter and to verify that the ballot was marked by the voter or at the voter's direction. If the voter uses a stamp to sign, the person assisting should attest that the stamped name is legitimate as the voter's signature. The clerk's appointee should countersign both the application and the affidavit envelope next to the stamped signature or submit a written and notarized statement to accompany the sealed affidavit envelope verifying that the voter themselves caused the ballot to be marked and the affidavit to be stamped with the voter's signature.

Assistance to Voters Unable to Communicate

Voters with Alzheimer's disease or other disabilities, who are otherwise qualified as voters, must be allowed to vote so long as they are able to vote without assistance.

If the voter needs assistance, allow the voter to vote if they can communicate their choice on how their ballot must be marked. Any means of communication that a stranger can understand is acceptable. This might include communication such as blinking their eyelids once for yes and

twice for no, or tapping a finger once or twice as the person assisting them reads off the choice. Do not allow a family member or friend to mark the ballot based on how the family member or friend believes the voter would have voted if the voter were able to mark the ballot or communicate a choice.

A person with a power of attorney is not allowed to vote for the person for whom they hold power of attorney in any circumstance. The power of attorney does not extend to voting.

When a voter has assistance at the polls marking their ballot, both the voter and the person assisting the voter must take the oath required by law. Afford the voter the opportunity to take the oath orally, in writing, or by any other means of communication. If the voter lacks the capacity to take the oath, they are not allowed to vote. RSA 659:20.

Nursing Home Absentee Registration & Voting

Residents of nursing homes and similar facilities, while encouraged to vote in person on election day if they are able to do so, are frequent absentee voters. A clerk, assistant clerk, or clerk pro tem may deliver absentee ballots to residents of nursing homes or elder care facilities for the convenience of the residents. The official delivering the absentee ballots shall, to the extent possible, ensure the process of receiving, marking, and returning absentee ballots is fair, private, and properly handled. RSA 657:17-b.

Over the years, several municipalities have reported incidents causing concern for whether nursing home residents were unduly influenced when marking their absentee ballots. While not required by law, it is best practice for clerks to arrange an absentee registration and voting event at the nursing home and similar facilities within their municipality.

Either in person or through a designee, the clerk has the nursing home recreation/activities director plan, publicize, and organize a voting event for some day close to but prior to the election. The clerk, a deputy clerk, supervisors, or some trusted non-partisan designee of the clerk goes to the nursing home and assists those residents who will be unable to travel to the polls on election day with registering absentee, if needed, and voting absentee. If the clerk uses a designee, it is important that the person is non-partisan and not a member of the facility staff. If it is necessary to use facility staff, provide the service in a non-partisan manner. This process ensures that no one is able to unduly influence the residents as they make their voting choices. The Secretary of State and the Attorney General's staff are available to assist in training designees or otherwise organizing this type of registration/voting event.

Election Day Duties

Procedure for Accepting Voters

In towns that **do not** use an electronic ballot counting device, when the voter has completed marking the ballot, they check out with the clerk by approaching the checkout table and stating their name (or name and party during a primary election) to the clerk. The clerk places a mark beside the voter's name on the checklist. The voter then proceeds to the ballot box and hands the ballot to the moderator to deposit into the ballot box. Polling places which use a ballot counting device are not required to have a checkout table. RSA 659:23.

Delivery of Absentee Ballots to Moderator

On election day, prior to the time set for processing absentee ballots, the clerk shall deliver the absentee ballot envelopes received from absentee voters with the applications attached to the moderator. RSA 657:23.

Because the deadline for receipt of absentee ballots is 5:00 p.m. on election day, clerks must arrange to retrieve all U.S. mail delivered on election day by 5:00 p.m. Ideally, arrange to pick up mail left at the clerk's office by the US Postal Service or delivery services (UPS, FedEx, etc.) and if your local post office receives mail before 5:00 p.m. on election day for delivery on the day

after the election, to pick up all mail for the clerk from your post office.

Any absentee ballot received by 5:00 p.m. on election day must be processed by the moderator and counted if the affidavit is in order, the voter qualified, and if the voter has not already voted in person. The clerk shall record absentee ballots received after 5:00 p.m. in SVRS with the return date and shall mark the ballot as rejected due to receipt after election day. RSA 657:17, 22.

Absentee Ballot Record Keeping

On election day, the moderator must record the reason that any absentee ballot has been rejected by the moderator on the absentee ballot envelope and on the clerk's absentee ballot list created under RSA 657:15. RSA 657:26; HAVA Section 703; RSA 659:53. Promptly following the election, the clerk must enter this information into SVRS. The information then becomes available to the voter through the Secretary of State's Voter Information Look-Up (available at https://app.sos.nh.gov/viphome).

Out of Ballots

The clerk must set aside at least one of each page/type of official ballots in use at an election for use to make copies.

If the supply of official ballots is exhausted, the clerk must first use leftover absentee ballots. The clerk should cross out the word "absentee" and initial the absentee ballot before the ballot clerk issues it to a voter.

If the supply of official ballots and absentee ballots is exhausted, the town or city clerk shall prepare additional unofficial ballots as provided in RSA 659:24 and RSA 658:35. Photocopies must be made of an unused official ballot. Each photocopy is authenticated by the clerk or their deputy clerk, signing their name or initials prior to issuing the photocopied ballot to a voter. A clerk may also use a signature stamp to authenticate photocopies of ballots. Authentication distinguishes any such authorized unofficial ballots from fraudulently created ballots. RSA 659:24. Keep an accurate record of the number of unofficial ballots created and the number put into use as election day ballots. The moderator requires this number for the ballot inventory on the moderator's Post-Election Certificate.

Generally, use at least ten such ballots. If fewer than ten unofficial ballots are needed, void any procedure that would make the ballot(s) used by the last few voters identifiable. Preserve the right to a secret ballot.

Clerks should monitor the voter turnout and anticipate the need for additional ballots so that they can be prepared before the official supply is exhausted. RSA 659:24.

Absentee Ballot Delivery to Voters Incapacitated on the Day of the Election

There is no state law which establishes a deadline for applying for an absentee ballot other than the deadline that absentee ballots must be received by 5:00 p.m. on election day.

Election day absentee ballot requests are rare. If a voter – for example, a voter who planned to vote in person but was unexpectedly hospitalized on election – requests delivery of an absentee ballot, the town or city clerk may deputize someone to take an absentee ballot with the application and affidavit envelope to the person. The clerk or designee waits to accept receipt of the completed absentee ballot package in person. The constitutional equal right to vote may require that if a clerk extends this service to one person but not to a similarly situated person, the clerk must have at least a rational basis for treating the two people differently. Generally, it is recommended that clerks adopt uniform practices, treating all similarly situated persons equally.

The exceptions to the 5:00 p.m. deadline to receive the absentee ballots are that absentee ballots from voters using curbside (outside accessible voting) and emergency services workers are counted until the polls close. RSA 657:21-a; RSA 657:22.

Unforeseen Inability to Access the Polling Place

RSA 659:20-a, which enables an absentee ballot to be delivered to a voter at their car outside the polling place, provides an emergency stop-gap option if an unforeseen accessible issue arises.

This law addresses a situation where a voter planned to access an ADA-compliant polling place and was unable to do so. Do not use this law in lieu of maintaining an acceptable polling place. It should not be used for a voter's convenience in place of voting absentee when a voter can anticipate difficulty getting into the polling place and request an absentee ballot.

Election Night Duties

The moderator is responsible for supervising the counting of ballots. The town clerk, selectmen, and other election officers should participate in the ballot counting process as directed by the moderator. RSA 659:60.

Results Reports

Polling places which use an electronic ballot counting device must print and forward a paper copy of each device's results report to send to the Secretary of State with the Return of Votes form. RSA 659:75, II. Additional copies of the results report must also be printed for retention. Guidance regarding the type and number of reports to be printed for each electronic ballot counting device is available in SVRS Help Instructions.

Note that all documents generated during the tabulation of votes shall be available for public review when election results are announced at the polling place. Specifically in polling places with an electronic ballot counting device, the printed results from the devices shall be posted for public review at the polling place within 60 minutes of running the last ballot through the device or devices. RSA 659:63. If the counting and tabulation process is not yet complete after 60 minutes, best practice is to announce and post a notice with the posted reports that it contains only partial results and may not reflect the final outcome of the election.

Reporting the Election Results

After all state election ballots are counted, the town or ward clerk must report the results on the Return of Votes forms provided by the Secretary of State by 8 a.m. on the day following the state election. Polling places which use an electronic ballot counting device must print an extra copy of each device results report and include it with the Return of Votes form.

Clerks can avoid driving the Return of Votes form to Concord by delivering it and other forms to a regional pick-up location. State police will then deliver the forms to Concord overnight. Clerks will receive instructions on where to deliver the forms.

Ward clerks should send copies to the city clerk. Names on Checklist forms and Post-Election Certificates must be completed within 48 hours (or sooner if requested) after the closing of the polls. The city or town clerk must keep a copy of the Return of Votes, Names on Checklist, Pre-Election Certificate, and Post-Election Certificate.

It is also best practice to retain any tally sheets and reconciliation worksheets. Having quick and easy access to these forms helps facilitate answering questions which may arise regarding the results reported on the Return of Votes or any other form.

Delivery of Ballots to the Clerk

The election officers designated to deliver the ballots to the clerk must deliver the cast and counted ballots in a sealed container. In the presence of these officials, the clerk shall subscribe upon the label the time when the ballots are received and sign their name in the appropriate blank on the sealer. RSA 659:98.

The clerk is required to maintain a log documenting the receipt, storage, and transfer/disposal of all sealed boxes of ballots and absentee voting materials from the election. Instructions on the storage of ballots and the chain

of custody log can be found in SVRS Help Instructions.

Note: Effective January 1, 2027, the Secretary of State Official is required to provide to each town and ward clerk secure, durable, reusable, transportable, stackable, and marked containers to be used for preserving ballots with locks, tamper evident sealers, and registration or serial numbers for each marked container. The Secretary of State's Office will provide updated guidance at the time these containers are provided to each town and ward.

Spoiled and Unused Ballots

Preserve the cancelled (spoiled) and unused ballots in the ballot storage boxes in the same manner as the cast ballots. Mark the appropriate spot on the seal with the number of unused or spoiled ballots in that box. RSA 659:95. To permit review of tabulation results after the election, **do not seal election-night tally sheets or printed results tapes from the ballot counting device in the boxes of ballots**.

Do not seal absentee ballot lists in the sealed boxes of ballots. The lists are needed to enter rejections and rejection reasons into SVRS.

Do not seal the Pre-Election Certificate or the Post-Election Certificate in the sealed boxes of ballots. It is a public document, subject to disclosure under the Right-to-Know law.

Certifying the Checklist

Before the election, the supervisors must certify that the corrected checklist according to their best knowledge contains [fill in number] of names of those persons, "*who are by actual domicile legal voters*" in the town or ward. RSA 654:29. Two certified copies are provided to the clerk; the clerk and the moderator must use those certified copies as the checklist for the election. Only one certified checklist is used at polling places where a ballot counting device is used.

After the polls close to voting, the moderator and the clerk must certify the checklist marked by the ballot clerks throughout election day, including marked with election day registrants, under the supervision of the moderator was entered. The moderator and clerk certify that it is the checklist used by them on election day and that it contains a correct and complete list of the legal voters in their town or ward, including those who registered on election day. RSA 659:56. At polling places that use a ballot counting device, the moderator and clerk also sign the results report that will be kept with the clerk and the copy that will be sent with the Return of Votes to the Secretary of State.

Post-Election Duties

Post Election Return Forms

The city or town clerk is required to post copies of the election return forms submitted to the secretary of state within 7 days of an election. The city or town clerk shall post copies in the 2 places where the municipality regularly posts notices of its governing body meetings, which may include the municipality's main website and any social media accounts utilized by the municipality. NH RSA 659:73, VII. The law does not include a minimum length of time for posting the election returns; the Secretary of State recommends clerks post the forms for at least 30 days.

Ballot Counting Device External Storage Device Retention

Programmed external storage devices must be retained after all elections, stored with the sealed ballots, and recorded on the sealed ballot boxes chain of custody log. For federal elections, store them for 22 months (or until all contests are settled or appeals have expired). For all other elections, store for 60 days (or until all contests are settled or appeals have expired). Extra electronic ballot counting device external storage devices programmed for, but not used during, the election are exempt from preservation. RSA 33-A:3-a.

At the conclusion of the retention period, external storage devices shall be disposed of. The law states disposal may be achieved "by either

physically destroying the storage device or by secure erasure that permanently destroys all election-related data on the storage device, including election programming, vote tallies, and digital images." RSA 33-A:3-a, XXXVI-XXXVII.

Storage of Sealed Containers of Ballots

Sealed containers of ballots are required to be stored in an area under the direction of the clerk:

> …The clerk or the clerk's designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall. Containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be stored in a location under the direction of the clerk. A log shall be maintained by the clerk specifying the location and the containers at the location. Once stored, the containers shall be accessible only to the individuals working under the direction of the town clerk, as required for recounts, or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log.

RSA 659:98. Clerks must follow these requirements starting on election night for all ballots and materials sealed into boxes. Clerks will also need to secure and log the box used for unopened absentee ballot return envelopes that are received after the election. Make a log entry showing a box (or envelope) that is being used to securely hold returned absentee ballot envelopes. This box may be kept in a different location from where the other sealed boxes of ballots are stored, for example a secure place in the clerk's office.

If ballots are picked up from a clerk's office by Secretary of State staff for a recount or audit, ensure all absentee ballot envelopes received after the election up to the time when the pick-up occurs are secured in a sealed box and documented in the log before turning them over to the Secretary of State's staff. In that event, clerks will need to start an additional container to securely store returned absentee ballot envelopes that arrive after the Secretary of State's office makes the pick-up. When it is unlikely that any further absentee ballots will be returned, the secure container must be sealed with an election night seal, the entry made in the log updated, and the sealed box secured in accordance with this law.

RSA 659:98 requires that the stored sealed boxes of ballots "shall be accessible only to individuals working under the direction of the town clerk…" Towns and cities currently using shared storage space, where the ballot boxes are commingled with materials stored by other town or city departments, are required to:

- Use a different space that is exclusively under the direction of the town clerk; or
- Modify a section of the storage space to make it secure and place that section of the space under the direction of the clerk.

Under the direction of the town clerk means that the clerk controls or has knowledge of who has access to the space used for ballot storage. The law does not prohibit storing other materials in the space used for storing ballots. Other materials from the clerk's office stored there by or under the direction of the clerk are permitted. Storage of materials by other town departments would require that the storage be under the direction of the town clerk. Best practice is to have the clerk or clerk's staff be directly involved in providing admittance to the area and directly overseeing the placement or removal of materials from storage.

The clerk must maintain a log "specifying the location and the containers at that location." The log to use for this purpose is available in SVRS. The log must document:

- The total number of ballot containers, including both the containers with ballots and containers with absentee voting materials. This number must match the number written onto the sealing label for all containers in the "y" position. That label

requires where it reads _x_ of _y_ containers, with x being a sequential number, 1 for the first container, 2 for the second, etc. Use one numbering sequence for all containers. The number written in the "y" position must be the same on all labels and must equal the total number of containers (ballots and absentee voting materials);

- The initial storage of the sealed containers of ballots and absentee voting materials;
- All access made to the sealed containers. For example, removal of containers of ballots from a town election for a town recount and then their return to storage;
- The transfer of custody of the containers to the Secretary of State for purposes of a recount or audit; or
- The removal of the containers from storage and their details of their destruction.

The Secretary of State's instructions for the log requires the signature of the clerk, deputy clerk, or assistant clerk and at least one witness for each entry. The log must be kept at the clerk's office. The log is a public document subject to disclosure under the Right-to-Know law. The log should be preserved for the same period as is required for the marked checklists from the election (7 years following the election or until the contest is settled and all appeals have expired, which is longer).

The Secretary of State's instructions for storing sealed boxes of ballots and sealed boxes of absentee voting materials and the required chain-of-custody log are available in SVRS Help Instructions.

SEALING BALLOTS FOR STORAGE

Ballots must be sealed into containers at the end of counting on election day and must be preserved in those sealed containers until opened by order of the Secretary of State or, in local elections, the Board of Recount. Even then, the sealed containers must be opened under conditions that preserve the integrity of the ballots and upon completion of the recount, the ballots must be resealed. Upon order of the Ballot Law Commission or a court hearing an appeal from a recount, make protested ballots available to the Commission or the Court, but even then, the ballots shall be under the control of the Secretary of State or the clerk, except when in actual possession of the court. Ballots shall be sealed in the box, labeled in "Ballots" provided by the Secretary of State. Absentee voting materials shall be sealed in the boxes labeled "Absentee Voting Materials" provided by the Secretary of State.

Effective January 1, 2027, the Secretary of State Official is required to provide to each town and ward clerk secure, durable, reusable, transportable, stackable, and marked containers to be used for preserving ballots with locks, tamper evident sealers, and registration or serial numbers for each marked container. The Secretary of State's Office will provide updated guidance at the time these containers are provided to each town and ward.

VOTER REGISTRATION RECORDS

All information in voter registration records is non-public except the voter's name, the SVRS ID number, physical street address, mailing address, town, city, and party affiliation, if any. RSA 654:31-a. The marked checklist used at an election is the only public record that shows whether a voter participated in an election and whether in-person or by absentee. Voter history as stored in SVRS is non-public.

Election officials and law enforcement personnel, in the performance of their official duties, may access and disclose information from voter forms identified in RSA 654:31-a below if necessary to resolve a challenge to an individual registering to vote or an individual voting or by law enforcement for a specific voter when investigating any crime.

RIGHT-TO-KNOW LAW

Ballots

Ballots are explicitly exempt from the Right-to-Know law. RSA 91-A; RSA 659:95, II; RSA 660:16, II; and RSA 669:33, II.

SVRS

The federal Help America Vote Act of 2002 required the establishment of a statewide database of registered voters. All jurisdictions must use the database, entitled SVRS, in the federal-state primary and general elections, as well as at municipal elections.

All information in SVRS is exempt from Right-to-Know law, except for the public information identified above. Individuals wanting to obtain checklists have to pay a fee to the towns and cities and obtain the copy of the checklist from the supervisors or the supervisor's designee. In limited circumstances, the public information in the statewide database can be purchased from the Secretary of State.

The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31, nor shall it or any of the information contained therein be disclosed pursuant to a subpoena or civil litigation discovery request. The Secretary of State is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by law is guilty of a misdemeanor. RSA 654:45, IV.

Checklist Available in Electronic Form

RSA 654:31, II requires that the supervisors of the checklist and clerk shall provide the current checklist in either paper or electronic form, in accordance with the person requesting the checklist's preference. SVRS allows the selection of PDF, XLS, CSV, or HTML. The fee for the checklist remains the same and applies to both paper and electronic copies of the checklist:

In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish a physical copy or an electronic copy of the most recent public checklist of their town or city to any person requesting such copy. If a person requests an electronic copy, the supervisors of the checklist, or the city or town clerk, shall notify the person requesting the copy of the electronic format options available from which the person requesting may choose. Options shall include an electronic copy, to be sent via email, of at least one sortable format such as a spreadsheet or other electronic media provided by the clerk. One free request may be made per election before a fee of up to $25 may be charged for such an electronic copy sent by email or provided via other electronic media provided by the clerk. The supervisors of the checklist or city or town clerk may only provide checklist information for their town or city. The supervisors of the checklist or city or town clerk shall charge a fee of $25 for each paper copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge a fee of $25, plus $0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist or city or town clerk may provide public checklist information on paper, or in electronic formats, or any other form.

RSA 654:31, II. Provide an alpha voter list. An election must be pending in SVRS for the system to produce a checklist with bar codes for the voter ID. An alpha voter list contains the same information as the checklist, except no bar code. The bar code contains only the voter ID number, which is also printed as a number. A checklist with the barcode uses more pages for the same number of voters. Neither the electronic checklist nor the alpha voter list includes voter history.

Address Maintenance

The Secretary of State is required to ensure that voter addresses in the Statewide Voter Registration System are formatted in conformance with US Postal Service requirements. This includes a requirement for the zip code +4 format. RSA 654:45.

Change of Address Notice

The Secretary of State is required to check NH voter addresses against US Postal Service change of address system and notify supervisors of the checklist of permanent moves. RSA 654:45.

Retention of Voter Registration Forms

Retain all voter registration forms and other records relating to voter registration securely in a municipal office under the direction of the town or city clerk. Those forms and records shall be readily accessible to the supervisors of the checklist.

File any voter registration document submitted at a meeting of the supervisors of the checklist or at the polling place at the office of the town or city clerk within 10 days of the meeting or election at which it was submitted. RSA 654:13-a.

Preservation of Ballots

State primary, presidential primary, and general election ballots, because they are also used for federal offices, are required by federal law to be preserved until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer. 52 U.S.C. 20701; RSA 33-A:3-a.

If a recount is requested for a state election, the Secretary of State will collect the ballots. If a recount is conducted for a local election, the ballots must be retained until the contest is settled and all appeals have expired, or at least 60 days after the election, whichever is longer. If legal action regarding those ballots is pending, the ballots must be preserved until destruction is authorized by the court. RSA 669:33; RSA 33-A:3-a.

Record absentee ballot return envelopes received after the election in SVRS. This record is essential for voters to find the status of their absentee ballot in the Voter Lookup and is required for mandatory reporting to the federal Election Assistance Commission. Voters are instructed to call their clerk's office if they do not find a record of the absentee ballot in the Voter Lookup. Timely entry of data into SVRS will diminish these calls. Absentee ballot return envelopes received after election day shall be preserved unopened in the same manner as ballot used at the election and shall be destroyed, unopened and unexamined, when the other ballots used in that election are destroyed. RSA 657:15, 22, 26; HAVA Section 703.

Preservation of Checklist

After every election, state or local, the clerk must preserve a marked copy of the checklist as a public record for a period of at least 7 years. RSA 33-A:3-a; RSA 659:102.

Before disclosing a marked checklist from a prior election, review the checklist to ensure that the document does not contain added non-public information. If birthdays or other non-public information were written onto the copy of the marked checklist, it must be redacted prior to disclosure to the public. Contact municipal legal counsel or the Attorney General's Office for questions.

Preservation of Absentee Voting Materials

The moderator must save all the rejected (unopened) and any challenged (opened or unopened) absentee ballot envelopes and provide them to the clerk to preserve in accordance with the laws governing the retention, preservation and destruction of ballots. RSA 33-A:3-a; RSA 659:101. The remaining opened (empty) absentee ballot envelopes shall be preserved with the cast, uncast, and cancelled ballots, but in the boxes provided by the Secretary of State, for the applicable retention period.

In the event of a recount, the opened (empty) absentee ballot envelopes must be sent to the Secretary of State along with the ballots.

Record Keeping on Use of Out-of-State ID

When a voter obtains a ballot with either an out-of-state driver's license or identification card, the ballot clerk must write the two-letter state abbreviation (MA, ME, VT, NY, etc.) on the checklist. The supervisors or clerk must record this data in SVRS when they complete their scanning/batching for election history. Within 30 days of the election, the supervisors of the checklist, or someone designated by them, shall the scan the barcode on the marked checklist which gets recorded into SVRS. RSA 659:13, I(b).

SVRS also requires the supervisors to report if there are no voters in their polling place who used an out-of-state driver's license or non-driver ID to verify their identity. The recording of whether no voters in their polling place used an out-of-state driver's license or non-driver's ID is found when certifying the election history in SVRS.

Checklist Of Responsibilities for Clerks

BEFORE THE ELECTION

_____ Take the oath of office before engaging in the duties of the position.

_____ Establish and maintain email and office street address with election information and polling locations in SVRS.

_____ Accept voter registration applications.

_____ Post notice of filing period.

_____ Verify primary petitions. Supervisors verify nomination papers.

_____ Post sample ballots.

_____ Print election materials for local elections.

_____ Mail absentee ballot applications.

_____ Send confidential voters an absentee ballot automatically.

_____ Process received absentee ballots.

_____ Arrange for nursing home absentee balloting (recommended).

_____ Notify absentee voters of how a voter can track his or her ballot.

_____ Maintain a list of absentee voters.

_____ Comply with mandatory office hours requirement.

_____ Work with the selectmen, moderator, and other election officials to develop a continuity of operations plan (COOP) which anticipates common emergencies and effective local responses.

_____ Notify the supervisors upon receipt of an official notice of the death of any person age 18 years or over and separately of probable matches between death and voting records.

_____ Deliver to the supervisors any application for party change submitted between the first Wednesday in June and the day before the state primary election, for action by the supervisors after the primary election.

NOTE: effective January 1, 2028, the State primary has been moved from September to June. As a result, beginning in 2028, you must deliver to the supervisors any application for party change submitted between the first Friday in March and the day before the state primary election.

_____ Assist moderator, if requested, with recruitment/training of poll workers. (Note: this is a formal requirement of moderators, but it is common practice that clerks may be involved.)

_____ The moderator, town clerk, one of the selectmen or a justice of the peace may administer the oath of office to all election officials.

_____ Test all ballot counting devices and memory cards at a publicly noticed test, maintaining the security logs for each device, storage bag, and memory card.

_____ Test the OmniBallot accessible voting tablet, including connecting the printer and printing one test ballot. **DO NOT** wait until election day to test the tablet.

_____ Prepare a supply of absentee ballots and affidavit envelopes for accessible voting on election day outside the polling place.

_____ Set aside at least one official ballot of each type being used at the election for copying if needed.

_____ Promptly open all boxes of ballots received from the Secretary of State. Examine the ballots to ensure all the ballots you received are the correct ballot for your polling place(s). Notify the Secretary of State immediately of any problems.

_____ If the counting of ballots to establish a starting inventory, as required by RSA 658:31, occurs before election day, post a notice of the date and time when the ballots will be counted and collaborate with the Moderator in conducting a public count.

ELECTION DAY

_____ Bring the ballots, absentee ballots, checklist, OmniBallot accessible voting system, and election forms supplied by the Secretary of State for election day. In ballot counting device towns, the clerk must also bring the ballot counting device.

_____ Test the OmniBallot accessible voting tablet once it is set up, including connecting the printer and printing one test ballot.

_____ Deliver the returned absentee ballot envelopes/applications to the moderator.

_____ Record voters at the checkout table using a checklist (not needed if using a ballot counting device). This task is often assigned to a deputy or assistant clerk.

_____ Assist in counting ballots, if requested by moderator.

_____ If a ballot counting device is used, with the Moderator, sign at the bottom of the copies of the long results tape to be kept by the clerk and the copy to be sent to the Secretary of State.

_____ Report election results on Return of Votes form by delivering to a State Police pick up point on election night. In ballot counting device polling places, print a copy of the device long results tape and include with the Return of Votes.

_____ Retain copies of the Return of Votes, Ballots Cast Form, Names on Checklist, Pre-election Certificate, Post-election Certificate, tally sheets and reconciliation worksheets.

_____ With the moderator, certify the checklist used on election day as marked by ballot clerks.

_____ Preserve cast and counted, as well as spoiled and unused ballots in sealed containers for at least 22 months following the election.

_____ After the polls are closed, work with the ballot clerks to reconcile the voters on the check-in checklist with the check-out checklists (hand count towns) or ballot counting device results tape and hand counted ballots.

_____ Upon receipt of the sealed boxes of ballots and absentee voting materials, sign and enter the date and time on the seal. Fill in the first entry on the ballot chain of custody log.

AFTER THE ELECTION

_____ Store sealed ballots for the time required by state and federal law. Promptly destroy the boxes of sealed ballots upon expiration of the retention period if there are no pending lawsuits or other preservation orders. Make entries on the ballot chain of custody log each time the stored sealed boxes of ballots are moved, transferred, or destroyed.

_____ Enter, maintain, and keep up to date election official contact and polling place location/hours in SVRS.

_____ Retain voter registration forms.

_____ Preserve marked checklist for a minimum of 7 years.

_____ Preserve affidavits and absentee voting materials for a minimum of 22 months.

TOWN ELECTIONS

_____ Accept declaration of candidacies during the 10-day filing period (if the town uses non-partisan official ballots).

_____ Manage absentee voting (for towns using official ballots).

_____ Upon request for an e-mailed absentee ballot from a UOCAVA voter who is entitled to vote a full absentee ballot (not a FOO voter), send a town absentee ballot.

_____ The town or city clerk shall print at least ten sample ballots for each town or ward.

_____ Print official ballots.

_____ In the case of a tie vote, determine the winner by lot.

_____ Manage recounts, including accepting applications, scheduling a time for the recount, serving on the board of recount, and resealing of ballots.

_____ Record oaths of office for every town officer.

UOCAVA Voters (Clerks & Supervisors)

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Introduction to UOCAVA Voters for Clerks and Supervisors

UOCAVA – Uniformed Overseas Citizen Absentee Voting Act - Absentee Registration

UOCAVA voters have two subcategories which define which absentee ballot they will receive: either a full ballot with federal, state, and county offices or a federal office only (FOO) ballot. A copy of the Federal Post Card Application is in the appendix.

Full Ballot

Two types of individuals receive full ballots.

- Uniformed service voters
  - This includes members of all active service military branches (including the Merchant Marine and National Guard) and their spouses and dependents. RSA 654:3; RSA 657:8.
  - A uniformed services voter, regardless of whether he or she has a domestic or foreign address, has the right to vote in any election in the town or city in which he or she had his or her domicile immediately prior to his or her entry into service.
- U.S. citizens residing abroad who intend to return
  - U.S. citizens residing outside of the country and intend to return shall have the right to vote absentee in any election in the town or city in which he or she had his or her domicile immediately prior to his or her departure. RSA 654:3.

See **Image A** on page 186 for form guidance.

Federal Office Only Ballot (FOO)

Two types of individuals receive FOO ballots.

- U.S. citizens residing abroad whose intent to return is uncertain
  - These voters, if they are otherwise qualified to vote, have a right to register absentee. They may vote absentee only in federal elections and only for federal offices (President, Senator, Member of Congress) in the town or city in New Hampshire in which they, or a parent or legal guardian (if they have never lived in the United States), had their domicile immediately prior to departing the United States.
- U.S. citizens residing abroad who have never lived in the U.S.
  - Clerks may receive voter registration applications (often FPCAs) from individuals (whose parents or legal guardians once lived in their town) who themselves have never lived in the town

or elsewhere in the United States and yet have a right to vote somewhere because they are U.S. Citizens. If a clerk can confirm their parents or legal guardians had their domicile in town immediately prior to their departure and the applicant has not lived elsewhere in the United States, register the applicant to vote. RSA 654:3.

See **Image B** on page 186 for form guidance.

The Federal Post Card Application (FPCA)

When signed, this form is a voter registration application which identifies the UOCAVA category of the voter. RSA 654:20. The town or city clerk shall forward a copy of all FPCA forms from individuals who are not yet registered to the supervisors of the checklist. RSA 657:19-a. Upon receipt of a return envelope from an unregistered UOCAVA individual, the clerk shall open and retain the envelope and copy and deliver the affidavit envelope and any other registration materials to the supervisors of the checklist. RSA 657:21.

Recommended procedure:

- If not registered, the clerk or supervisors must enter the voter record in SVRS as "Pending" approval. If it is received prior to the 45-day federal deadline for sending out absentee ballots, **the clerk needs to enter it immediately due to federal reporting.**
- If registered, update any voter information in SVRS found on the FPCA form.

Supervisors are required to indicate on the checklist if a Federal Office Only voter (a voter who is residing outside the United States and does not intend to return) is entitled to vote for federal offices only. RSA 654:23. This is accomplished by entering the domicile address as "Overseas Citizen Federal Office Only."

Military Term - "Home Of Record"

For voting purposes, the home of record is the town in which the person was domiciled when the person entered the armed services. Military documents may refer to the "home of record." Such documents are good evidence that the town/districts or city/wards listed is a valid voting domicile if the individual remains in military service.

Born Outside The U.S.

Any U.S. citizen who is 18 years of age and is domiciled outside the United States, has the right to vote for federal offices in the town or city in New Hampshire in which he or she, or a parent or legal guardian of said voter, had his or her domicile immediately prior to his or her departure from the U.S. RSA 654:3, III.

UOCAVA Absentee Ballot Applications

FPCAs are honored as absentee ballot applications applying to all elections held during the full calendar year in which they are received, except that FPCAs received in the calendar year prior to the year of the presidential election shall be honored through the presidential primary. RSA 657:19-a.

Absentee Write-In Ballot

An absent uniformed services voter, an absent voter temporarily residing outside the U.S., or a voter domiciled outside the U.S. who, due to requirements of military service or due to living in an isolated area outside the United States, is unlikely to have sufficient time to receive, mark, and return a regular absentee ballot may apply for both a regular and a write-in absentee ballot. RSA 657:10-a.

A voter qualified to vote by absentee write-in ballot may obtain an Official Federal Write-In Absentee Ballot ("FWAB") from the U.S. Department of Defense website at https://www.fvap.gov. These FWABs must be accepted by moderators and clerks as official ballots, so long as there is a voter signature on the affidavit.

Note: in order for a moderator and clerk to accept an FWAB, there must be an FPCA on file requesting a state absentee ballot. If the voter received assistance with voting and the name and signature of the person assisting is on the form, the signature is not required for a voter with a disability who is unable to sign the form. Count the absentee ballot if other requirements set forth above are satisfied. An FWAB cannot be used to register a voter—only the FPCA can do this. If the clerk receives an FWAB and no FPCA is on file, they

must send the voter an FPCA along with the applicable ballot.

Deadlines and Process for Clerks

Upon request from a UOCAVA voter that the absentee ballot be emailed, the clerk shall email the absentee ballot, affidavit (oath), and instructions to the UOCAVA voter and update the voter's record in SVRS. RSA 657:19, 26.

Upon receipt of an absentee ballot application a UOCAVA voter up to 45 days prior to a presidential primary, state primary, or state general election, clerks must enter the absentee ballot requested in SVRS. Pursuant to a request from a UOCAVA voter, the clerk will mail or email the voter an absentee ballot, affidavit (oath), and instructions no later than 45 days prior to a presidential primary, state primary, or general election. Following this date, the clerk will continue to response to UOCAVA requests, without delay, until 5:00 p.m. on the day before the election. RSA 657:19.

Note: to ensure that the 45-day deadline is met, clerks **MUST** be in their offices from 3:00 p.m. to 5:00 p.m. the day of the 45-day deadline. The Secretary of State's Office will send out reminder emails to the clerks informing them of this requirement.

The town or city clerk shall forward a copy of all Federal Post Card Applications ("FPCAs") to the supervisors of the checklist. RSA 657:19-a. If the person is not yet registered, the supervisors will use the FPCA as an application from a registration. This must happen prior to the 45-day deadline because of federal reporting requirements.

If the FPCA came from a registered voter, the supervisors will use the FPCA to verify and update the voter's record.

FPCAs are honored as absentee ballot applications applying to all elections held during the full calendar year in which they are received, except that FPCAs received in the calendar year prior to the year of a presidential election shall be honored for the presidential primary.

Send UOCAVA voters who qualify to vote on a regular ballot at state elections an absentee ballot for town, school, and village district elections. Do not send an absentee ballot to those voters who are only eligible to vote for federal offices. Use Federal Office Only ("FOO") ballots only at state elections.

FPCA Process – Best Practices for Clerks

I Just Received an FPCA—What Now?

1. Date stamp the FPCA the day you receive it. This will become both the "request date" and the "UOCAVA Start Date" in SVRS.
2. Is the voter on your checklist?
   a. If yes: Flag the voter as UOCAVA, while entering the absentee ballot request. Enter the start date (the date you stamped on the request. The end date will pre-populate with 12/31 of the current year.
      i. Enter the request for an absentee ballot as a UOCAVA voter in Absentee Ballot/Add/Maintain Absentee Ballots
   b. If no: If the voter is not registered in your town/city, the request date now becomes the "registration date." The FPCA is considered a registration form for UOCAVA voters. For a new voter, use Bean's Grant, New Hampshire as their birthplace when entering them into SVRS since the FPCA does not have a field for place of birth.
      i. Clerks or Supervisors must enter the voter in SVRS as soon as the request is received to comply with federal reporting requirements.
      ii. Flag the voter as UOCAVA. Enter the start date (the date you stamped on the request). The end date will pre-populate with 12/31 of the current year.
      iii. Enter the request for an absentee ballot in Absentee Ballot/Add/Maintain Absentee Ballots
3. Send the ballot without delay. **Do not hold ballots to send in a group**. Enter the date mailed in SVRS if you are not running labels.

Which Ballot Do I Send?

See **Image C** on page187 for guidance.

DO I MAIL OR EMAIL?

To answer this question, look at Section 5 of the FPCA.

If “Mail” is checked, use your UOCAVA envelopes R, S, & T and mail to the address in Section 3 (Where Are You Now?)

If “Email or Online” is checked, you will email the ballot to the email address provided in Section 4. You will email the absentee ballot to the email address listed under “Email.” If the email is returned, then you can send to the “Alternate Email” if one is listed. UOCAVA voters cannot receive their ballot online. If both email and email are checked off, send the UOCAVA voter’s absentee ballot via email.

If “Fax” is checked, you will need to send the absentee ballot via email if it is listed or by mail if there is no email listed.

If all three are checked, send the UOCAVA voter’s absentee ballot via email.

See **Image D** on page 187 for guidance.

IMAGE A

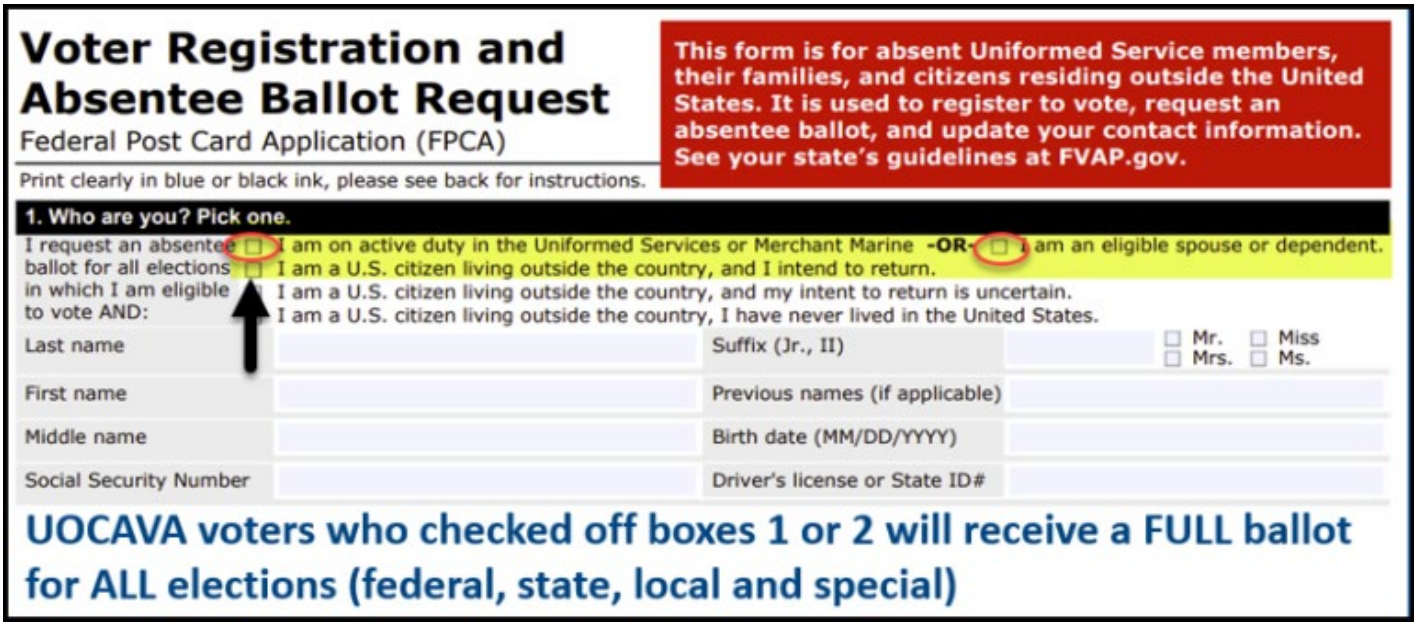


IMAGE B

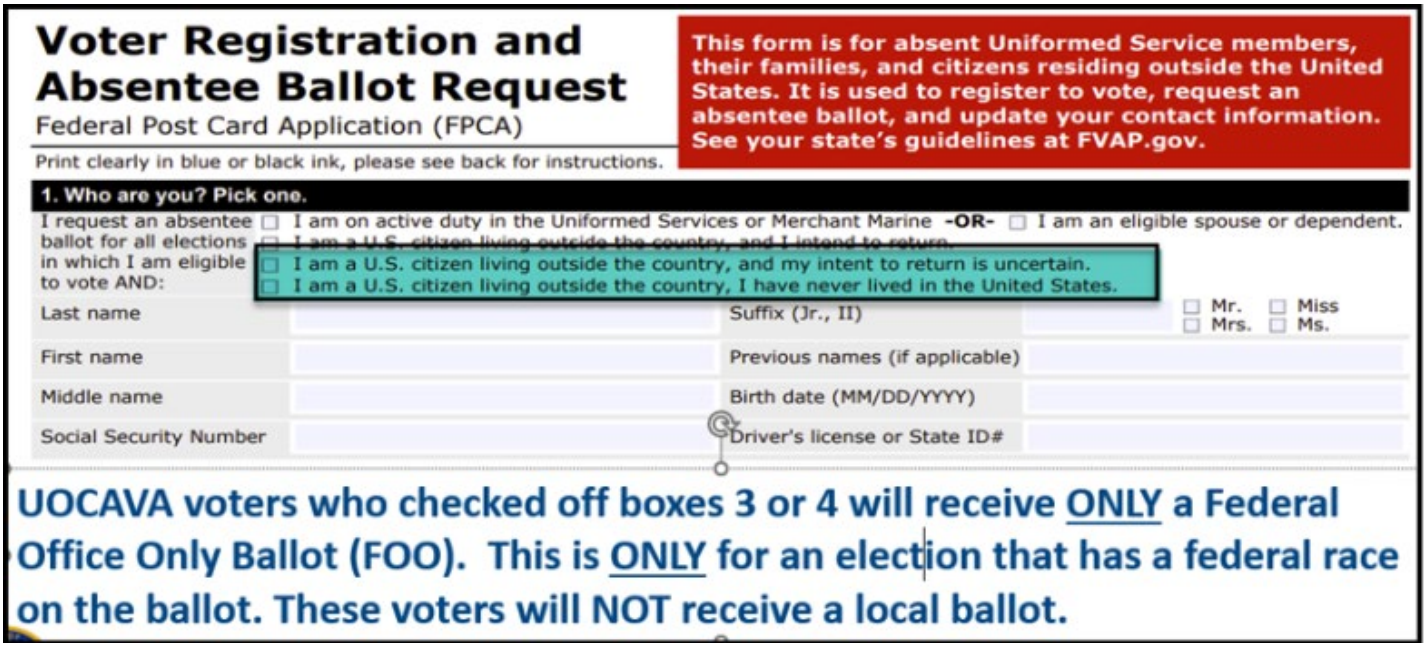


IMAGE C

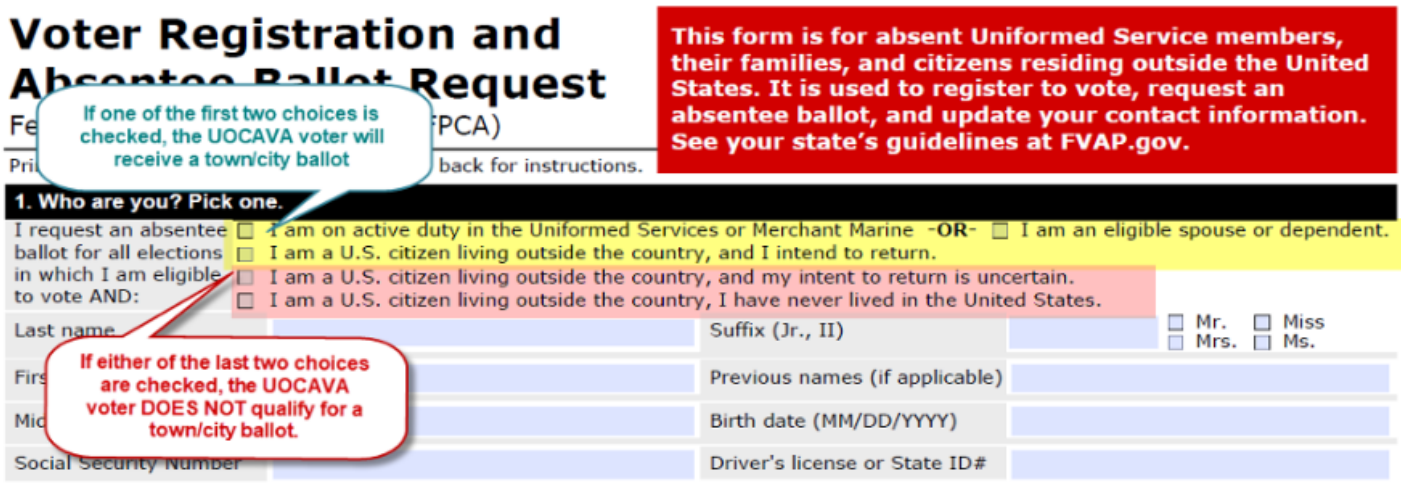
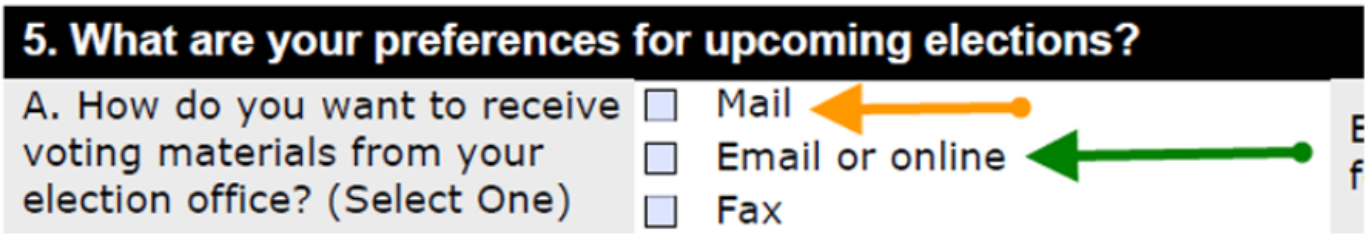
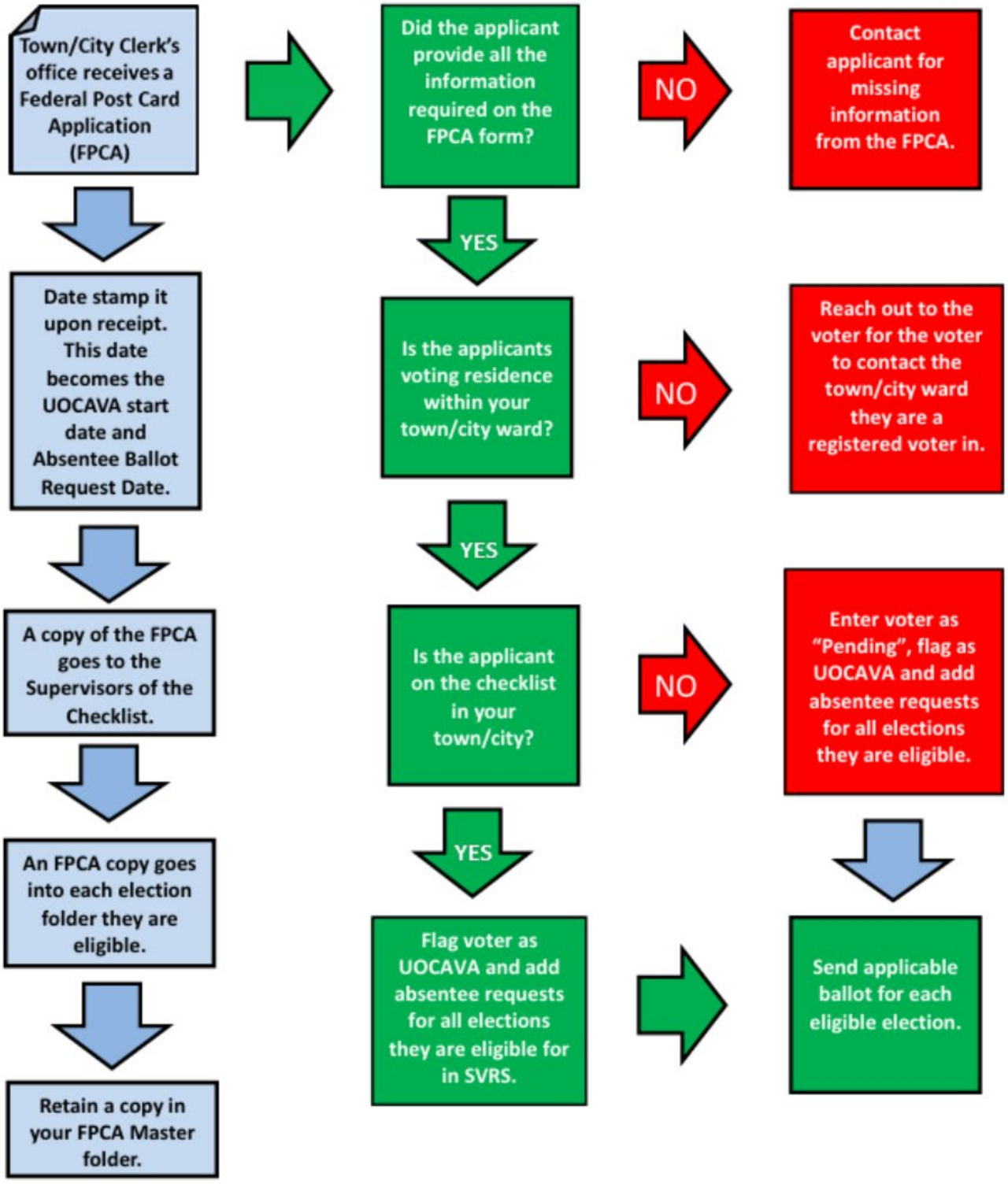


IMAGE D



UOCAVA Flow Chart

Uniformed and Overseas Citizen Absentee Voting Act



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Responsibilities – In General

Selectmen for towns are responsible for budgeting for elections and selecting an accessible polling place with adequate parking. The selectmen must also provide sufficient staff to avoid long lines. The selectmen must work with the moderator, clerk, and other officials to plan for emergencies, establish polling hours, and set up the polls before the opening of the polls. Best practice is to have a written continuity of operations plan (COOP) which anticipates common emergencies and effective local responses. The appendix contains a model plan.

Selectmen elected in a city ward are responsible only for election duties, unless otherwise provided in a city charter.

New Hampshire's Constitution requires the selectmen, or their designees, to be present at the polls on election day. New Hampshire Constitution, Part 2, Article 32. When Article 32 was adopted, it applied to elections at all levels: federal, state, county, and local. Therefore, this duty to attend applies equally to the members of the governing body of a municipality for federal, state, town, city, school district, and village district elections. School board members for a school district election and village district commissioners for a village district election are the modern equivalent of selectmen for the purposes of this duty where the school district or village district is conducting its own election. If the elected governing body member is unable to attend the election or perform duties, that member may appoint a pro tem to attend the election and perform the governing body member's duties. Select Board, RSA 658:21-a, applied to town elections by RSA 669:25; School Board, RSA 671:28-a.

Duties include helping mitigate lines and guide voters on election day, participating in ballot counting under the supervision of the moderator, and signing seal(s) on the sealed boxes of ballots after counting is completed at the end of the day. A copy of the seal is in the appendix. Selectmen are responsible for equipping any additional polling place.

Appointing Inspectors of Election (Ballot Clerks)

Inspectors of election are election officials appointed by both of the political parties. They are typically, but not always, the ballot clerks who check in voters and issue a ballot. For this reason, the term inspector of election and ballot clerk are sometimes used interchangeably.

Between February 1 and April 30 of each general election year, the state chair of each of the two major political committees should appoint inspectors of election to act at each polling place. Generally, there are at least two ballot clerks at each check-in station, one for each of the two major parties. The statute provides that if the number of voters at the polling place exceeds 2000, the parties may appoint 1 additional inspector for each 1500 voters. RSA 658:2. Moderators may also require additional inspectors of election if needed to effectively manage the election.

If the two major political parties fail to make appointments before April 30, the selectmen shall appoint two inspectors of election from the two political parties. The moderator will designate chosen inspectors of election as ballot clerks.

An inspector of election shall be registered to vote at the polling place where he or she serves and shall be affiliated with one of the two major political parties. Each inspector shall be sworn to the faithful performance of his or her duties and shall hold office for two years from August 1 in the year in which he or she is appointed or until a successor is appointed and qualified. RSA 658:2; RSA 658:4.

In making appointments of inspectors of elections, the selectmen, in consultation with the moderator, may designate a list of alternates, who shall meet the same qualifications as inspectors of elections. These alternates shall be called in numerical order to serve in case one or more of the principal appointees fails to accept the appointment or is otherwise unavailable to perform his or her duties. RSA 658:5.

If an inspector of election is absent from any election, the selectmen shall appoint replacement inspectors using the list of alternate inspectors. RSA 658:22.

Selecting and Equipping the Polling Place

Selectmen are responsible for selecting a proper site within the town or ward for the polling place, ensuring it is accessible, providing a proper number of voting booths, establishing a rail and providing the necessary supplies. RSA 658:9. The polling place must be:

- Equipped with sufficient parking spaces to accommodate the expected voter turnout;
- Located where roads/streets can safely accommodate the volume of traffic expected;
- Have sufficient space to accommodate the required areas for voter registration, check-in, the required number of voting booths/screens based upon type of election, and some public space outside the guardrail to allow observation of the election;
- Warmed;
- Lighted – Additional lighting should be provided where existing room lighting is insufficient to comfortably read the ballot. Towns and cities are encouraged to equip voting booths with inexpensive lamps equipped with a magnifying lens. New Hampshire law requires that booths be “well lighted;”
- Furnished with proper supplies;
- Easily accessible to the elderly and to persons with disabilities;
- Equipped with a United States flag inside the building and weather permitting flown outside the building during election day;
- Equipped with a guardrail constructed and placed so that only persons inside the rail can approach within 6 feet of the ballot box and any voting booth (This requirement for a rail can be satisfied with a rope or ribbon, but it is important to the proper layout of a polling place.);

- Organized with the guardrail positioned so that a voter can only access the voting booth by entering the area enclosed by the guardrail. The guardrail must be positioned in relation to the check-in and check-out tables such that once a voter has checked in and received a ballot it will be awkward to leave the railed-in area with a ballot. Ballots should be marked only within the voting booth or voting privacy screen. Proper positioning of the rail can be used by the selectmen and the moderator to discourage improper voting practices;
- Arranged so that the voting booths and voting privacy screens are in plain view of the election officers;
- Arranged so that the ballot box or ballot counting machine is in plain view of the election officers and to the public area outside the guardrail;
- Equipped with no less than one voting booth/screen for every 100 voters qualified to vote at the polling place at a presidential general election, one for every 125 voters at other state general elections, and for all other state elections, including the state primary election, one for every 150 voters. For all city, town, school district, and village district elections, one booth/screen for every 200 voters is sufficient. Tabletop voting privacy screens may be used to accommodate up to 50% of the total requirements for voting booths. RSA 658:9, V. Jurisdictions that have adopted Senate Bill 2 should analyze the length of their warrant/ballot for warrant articles and voting trends and consider adding additional voting booths to avoid excessive delays to voters seeking to cast their ballots. The Attorney General's Office reports that a common complaint, especially in Senate Bill 2 towns, is an excessive delay resulting from an insufficient number of voting booths to accommodate the turnout of voters and the extended time required to mark ballots with a large number of questions;
- RSA 658:9 provides that "the number of booths erected at the polling place shall be the number estimated by the selectmen to be necessary for the efficient conduct of the election plus any additional number requested by the moderator." Therefore, the selectmen should consult the moderator when determining the number of booths and voting privacy screens that will be provided;
- RSA 658:9, V also specifically provides that each polling place shall have no less than two standard voting booths, one specialized voting booth easily accessible to the elderly and to persons with disabilities, and two table-top voting privacy screens;
- Portable booths set up in pods of up to 4 voting stations may be used in lieu of booths described in RSA 658:9, II and screens described in RSA 658:9, IV. Each voting station in the pod shall have 2 sides enclosed that are at least 32 inches long and meet at a right angle. A tabletop shall fit into the corner of the enclosed sides with the edges of the tabletop that contact the sides being at least 14 inches deep and the edge of the table facing the voter no less than 25 inches in width. The third open side of the voting station shall be enclosed by a curtain large enough and designed in a way to give the voter privacy. RSA 658:9, VI;
- Equipped with at least one accessible voting booth specially designed in conformance with RSA 658:9, III, to be easily accessible to persons with disabilities and the elderly. The Secretary of State has provided every polling place in the state with a large voting booth that satisfies this requirement. This booth must be used at all elections. Each polling place must also have at least two table- top voting privacy screens for use at an election. The formula for determining the number of specialized voting booths and tabletop screens necessary for an election is set forth in RSA 658:9, V;
- The selectmen should be prepared, or have town employees prepared, to deal with any facility-related problems, including

emergencies such as fires and power outages, and minor problems, including burnt out light bulbs illuminating the polling booths, which might develop during voting.

Polling Place Size Limitation for Presidential Elections

SB 103 (2026) limits the size of polling places for Presidential Elections to 15,000 registered voters. Towns and cities can, however, apply to the Secretary of State and Attorney General for an exemption by submitting a plan that addresses:

a. Anticipated traffic flow to and from the polling site;
b. Availability of law enforcement officers or contracted personnel for traffic management;
c. Number of parking spaces reasonably accessible to voters;
d. Number of poll books and assigned election workers to assist with voter check-in;
e. Availability and use of electronic poll books;
f. Number of ballot-counting devices in operation;
g. Number of registration stations and election officials available for same-day registrants;
h. Any other factors identified by the secretary of state and the attorney general as necessary to ensure efficient voting and minimize delays.

The statute gives the Secretary of State and Attorney General the option of requesting supplemental information and may condition approval on specific measures to be in place on election day.

Ballot Counting Devices

Selectmen (or the governing body of a city) may elect to use electronic ballot counting devices. Notify the Secretary of State if a decision is made to purchase or lease a device. RSA 656:40.

The make and model of all electronic ballot counting devices either purchased or leased must first be approved by the Ballot Law Commission. RSA 656:40-43. Questions regarding the current electronic ballot counting devices approved for use in New Hampshire elections should be directed to the Secretary of State's office.

All ballot counting devices that are used must be tested prior to each election. RSA 656:42, II. The Selectmen should work with their moderator to ensure this requirement is met. Any person who knowingly violates the testing procedures established for ballot counting devices shall be guilty of a misdemeanor if a natural person, or a felony if a corporation. RSA 656:42, VI.

The statute making it a felony crime to tamper with a vote casting or ballot counting device also makes it a felony to tamper with software used in the casting or counting of ballots or to design such software so as to cause incorrect tabulation of the ballots. RSA 659:42. This statute and RSA 659:41 also make it a crime to take away, injure, attempt to injure, destroy, or attempt to destroy the checklist or a ballot box when in use at an election, or a ballot counting device to be used or in use at an election.

Posting Warrants

Selectmen are responsible for posting the warrant at least 14 days before the election. The warrant states the date of the election or town meeting, the location of the polling place, offices to be elected, the questions that will be on the ballot, and the polling hours. RSA 658:1; RSA 669:2.

Special Elections

If a vacancy exists in the office of State Representative, the town selectmen must determine whether a special election will be requested from the governor and executive council. If the representative district encompasses two or more towns, the selectmen from the towns should consult and seek to reach consensus regarding whether to request a special election. See additional details in: RSA 655:81, I.

Polling Place Accessibility

The New Hampshire Constitution, State statutes, and federal statutes establish that for every election the polling place and the voting process must be easily accessible.

Where parking is provided for the polling place, there shall be at least one van-accessible parking place designated with the international symbol of accessibility. The dimensions and requirements of the parking space are outlined in RSA 658:9-a, I. While state law provides that the provisions of this paragraph may be adopted by each municipality on an optional basis, the federal ADA guidance from the United States Department of Justice mandate "One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible." https://www.ada.gov/votingck.htm

The paths to and from the polling place shall comply with accessible route requirements set forth in RSA 658:9-a.

If there is a curb in a path of travel to the accessible entrance, there shall be a curb ramp that complies with the NH building code, RSA 155-A, and the ADA.

Where a ramp is provided it shall comply with the NH building code, RSA 155-A, and the ADA.

Entrances, doors, and doorways must comply with the NH building code, RSA 155-A, and the ADA. There must be at least one primary entrance to the polling place that is accessible to elderly persons and persons with disabilities that is clearly marked with the international symbol of accessibility. It is strongly recommended that the main entrance also be the accessible entrance. If there are entrances that are not accessible, they must have signs posted directing voters to the accessible entrance.

The path of travel inside the polling place must comply with the accessible route requirements of the NH building code, RSA 155-A, and the ADA. See RSA 658:9-a.

The Help America Vote Act of 2002 places great emphasis on ensuring the accessibility of the voting process. HAVA funds the purchase of devices that assist persons with disabilities and the elderly to vote privately and independently. The Secretary of State can provide more information and has staff available to consult with local election officials.

Information on polling place accessibility is also available from the United States Department of Justice.
See https://archive.ada.gov/votingchecklist.pdf.

The Election Assistance Commission also offers a free training series on accessible elections. See https://www.eac.gov/election-officials/accessible-elections-information-election-officials.

Election Day Duties – Selectmen

The selectmen or the governing body of a town or the governing body of a city sets the polling hours.

At all state elections in towns and cities the polls shall open not later than 11:00 a.m. and shall close not earlier than 7:00 p.m. In cities, the city council shall determine the polling hours no later than 30 days prior to a state election.

An exception to the 11:00 a.m. to 7:00 p.m. time frame is found in those communities which voted to open the polls at 8:00 a.m. The polling hours in those communities would be 8:00 a.m. to 7:00 p.m. Once these hours have been set by a vote of town meeting, however, they may be altered only by a vote of town meeting. RSA 659:4-a.

As an alternative to the procedures established in RSA 659:4-a, I-III and described above, the governing body of a town may extend the hours of polling in the town. Any extension of hours adopted by a town may not take effect sooner than 60 days after its adoption.

Municipalities are encouraged to establish a uniform polling place and polling hours for all elections. It helps a voter to know when and where to vote if the polling location and times are kept constant.

The Attorney General's Office reports that the failure to open the polls at the advertised time is a common problem. In some cases, voters assert that the effect of failing to open on time is to deny

them the opportunity to vote as work or travel commitments preclude their waiting extended periods of time or returning later in the day.

Every effort must be made to ensure the polls open at the pre-determined and advertised time. Research also indicates that at many polling places the longest lines of the day occur when voters queue up prior to the opening of the polls or before they close. For polling places and elections where this has occurred in the past, consider adding staff and additional checklist check-in stations for the first hours of polling. RSA 659:3; RSA 659:4; RSA 659:4-a; RSA 659:6; RSA 659:8; RSA 669:25; RSA 669:45.

Attendance at Election

For state and local elections, the New Hampshire Constitution requires the attendance of the selectmen. New Hampshire Constitution, Part 2, Article 32.

"If a selectman is absent or unable to perform his or her duties for all or any part of the day at any state election, the selectman is authorized to appoint a selectman pro tem to perform his or her duties…" RSA 658:21-a.

If the absent selectman has not appointed a selectman pro tem, the moderator is authorized to appoint a selectman pro tem. RSA 658:21-a.

Assist Moderator as Requested

Selectmen are election officers. RSA 658:23; RSA 658:24; RSA 659:9. Moderators may suggest that selectmen assist with setting up and assisting voters in using the accessible voting system, greeting and directing voters to the correct intake lines, staffing the "No Photo ID" table to assure proper voter throughput, counting, tallying, and reconciling ballots, voters and votes, and checking the voting booths regularly to ensure that a writing instrument and the instructions to voters signs are present and that any electioneering materials are removed.

Counting Ballots

Selectmen shall participate in the counting process as directed by the moderator, unless a selectman is a candidate for a non-election official office. RSA 659:60; RSA 658:24; New Hampshire Constitution, Part 2, Article 32.

Securing the Ballots

After the ballot counting is completed and the results announced, selectmen or their designee(s) shall sign the label for resealing the ballots on the container indicating the number of cast, canceled, and unused ballots in the container. The Secretary of State provides each polling place with containers designated for ballot storage and containers designated for "Absentee Voting Materials" for storing absentee ballot envelopes and applications. Local officials must supply their own secure packing tape. The Secretary of State provides red tamper evident tape to go on top of the packing tape.

Note: Effective January 1, 2027, the Secretary of State Official is required to provide each town and ward clerk secure, durable, reusable, transportable, stackable, and marked containers to be used for preserving ballots with locks, tamper evident sealers, and registration or serial numbers for each marked container. The Secretary of State's Office will provide updated guidance at the time these containers are provided to each town and ward.

Selectmen should check the Post-election Certificate, and compare the figures for ballots cast, voters, and votes to ensure all ballots are accounted for and sealed into boxes. RSA 659:95; RSA 659:97; RSA 659:98. Do not seal election night tally sheets in the ballot boxes.

The clerk must maintain a chain of custody log starting with the transfer of the sealed boxes of ballots from the Selectmen and Moderator to the Clerk. This log can be found in SVRS Help Instructions.

Delivery of Ballots to Clerk

The selectmen or their designees and the moderator or his or her designee shall deliver the sealed containers to the town or city clerk who shall, in their presence, enter in the time of day and shall sign his or her name on the sealer. RSA 659:98.

Local Elections and Meetings

Selectmen to Prepare and Post Warrant

It is the Selectmen's responsibility to prepare and post the warrant for local elections and meetings. For elections, the selectmen shall include as part of the warrant for the annual town meeting a warrant for each annual town election which shall prescribe the place, day and hour of the election, the officers to be elected, and the questions to be submitted to the voters. In a town which has adopted an official ballot system for the election of town officers, the warrant shall specify the time the polls are open and the hour before which the polls may not close. The warrant shall clearly specify which items shall be voted on by ballot at the town election and which items shall be considered at the town business meeting. In a town which has not adopted an official ballot system, it shall be sufficient for a town meeting warrant to list items to be taken up at the town business meeting, including the election of town officers. RSA 669:2.

For traditional town meetings, the warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting, and, if there is an election at said meeting, in which an official printed ballot containing more than one name is used, the warrant therefor shall prescribe the time the polls are to open and also an hour before which the polls may not close. A town meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that prescribed by the selectmen hereunder. The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and the intent and effect of each warrant article shall be stated clearly and without commentary and ambiguity. Nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated. RSA 39:2.

For SB2, Official Ballot Referendum towns, the warrant for the annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given as otherwise provided RSA 40:13.

Petitioned Warrant Articles

In traditional meeting towns, upon petition of 25 or more voters or 2 percent of the registered voters, whichever is less, but in no event less than 10 voters, presented to at least one selectman no later than the fifth Tuesday before town meeting, the selectmen shall insert onto the warrant for that meeting the petitioned article. RSA 39:3.

In SB2, Official Ballot Referendum towns, the deadline varies based on whether the town has a March, April, or May election date. For a March election date, the petition deadline is "the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday." RSA 40:13, II-a. For towns with an April election date the deadline is "the second Tuesday in February, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday." RSA 40:13, II-b. For towns with a May election date, the deadline is "the second Tuesday in March, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday." RSA 40:13, II-c.

Petitioned zoning ordinance amendments have a different deadline "A petition to amend a zoning ordinance, historic district ordinance, or a building code shall be submitted to the board of selectmen or the village district commissioners during the period between 120 and 90 days prior to the annual town or village district meeting." RSA 675:4, I.

RSA 39:3 provides that corrections by the selectmen to petitioned warrant articles “shall not in any way change the intended effect of the article . . .” Every article included in a warrant for a town meeting shall be acted upon before the final adjournment of the town meeting. RSA 40:11.

Checklist of Responsibilities for Selectmen

BEFORE THE ELECTION

_____ Take the oath of office before engaging in the duties of the position.

_____ Select an accessible polling place with adequate parking and sufficient space, warmth and lighting.

_____ For town elections the selectmen (or the governing body of a town or city) set the polling hours. For state elections the polling hours are set by a vote, first at town meeting, and then a vote at the next general election. RSA 659:4-a requires the polls open no later than 11:00 a.m. and closed no later than 7:00 p.m.

_____ Work with the moderator, clerk, and other election officials to develop a continuity of operations plan (COOP) which anticipates common emergencies and effective local responses.

_____ Appoint a minimum of two inspectors of elections (ballot clerks) if the two major political parties fail to make appointments, plus alternates, in consultation with the moderator. Work with your moderator to appoint the appropriate number of ballot clerks.

_____ Equip the polling place, including a US flag, proper supplies, guardrail, sufficient and suitably arranged voting booths, voting privacy screens, and ballot box in plain view of the election officers.

_____ Post the warrant at least 14 days before the election.

ELECTION DAY

_____ Be present at the polls during state and local elections. A selectman may appoint a designee to serve for some or all of election day in his or her place.

_____ The moderator, town clerk, one of the selectmen or a justice of the peace may administer the oath of office to all election officials.

_____ The selectmen should be prepared, or have town employees prepared, to deal with any facility-related problems, including emergencies such as fires and power outages, as well as minor problems such as burnt-out light bulbs illuminating the polling booths, that might develop during voting.

_____ Assist the moderator as requested.

_____ If directed by the moderator, test the OmniBallot Accessible Voting System.

_____ Participate in ballot counting under the supervision of the moderator.

_____ Sign the ballot box seal after counting is completed and ballots are boxed for storage at the end of the day.

_____ Deliver the sealed ballot containers to the town or city clerk.

Duties of Greeters

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Responsibilities of Greeters

Greeters improve the voter's experience. They help reduce the likelihood of lines forming and unreasonable delays for voters.

Greet each voter as they arrive at the polling place.

If the voter is uncertain of whether he or she is registered as a voter, use the alpha voter checklist to verify whether the person is registered. At a primary, verify whether the voter is a registered member of the political party for the primary election in which they intend to vote. Best practice is to carry or have easy access to a posted alpha voter checklist.

The alpha voter checklist is like the check-in checklist, but it does not have bar codes printed on it. It, therefore, has more voters listed on each page.

Do Not Electioneer

A greeter cannot electioneer or comment in any way that might influence who the voter votes for at the election. Do not comment on opinion-related questions about the candidates, issues, or parties that appear on the ballot for the election. The Greeter should say: "I cannot discuss that with you in the polling place, but perhaps I can answer any procedural questions you may have."

Direct Voters

Direct the person to one of two starting points within the polling place:

- The supervisors of the checklist if he or she is unregistered; or
- The "Voter Check-in" line if he or she is registered.

Most polling places have multiple check-in stations, each serving one section of the alphabet. Help the voter find the correct check-in station for the first letter of the voter's last name.

Some people will come to the polling place serving a town or ward where the person previously lived or where the person works but does not live. A person can only vote at the polling place that serves the town or ward where the voter is currently living, where he or she is domiciled. A person's domicile is where he or she has their one principal residence. See the Voter Registration Section for a further explanation of domicile.

If the person is at the incorrect polling place, assist the person by identifying the correct polling place. If possible, give directions. For towns/cities with multiple wards, the Greeter should carry, or have easy access to, a voting ward map or have easy access to a town/city street listing which shows which streets are in each ward. If reviewing the street list, make sure you are looking at the proper street range as one street could be in multiple wards. You do not want to send them to another incorrect ward.

Review the posted information in the polling place that informs voters about voting rights and procedures. Direct a voter with questions to the poster with information that answers their question.

Wait, Recognize, Listen

When communicating with voters, Greeters should remember to: Wait, Recognize, Listen.

- Wait. Suppress the instinct to quickly respond or cut off a question. Wait first to process the question, then formulate a reasoned and

respectful response. Focus on how to recognize other people's feelings, anticipate their needs, and be sensitive, accommodating, and courteous in assisting the person.

- Listen before speaking to understand exactly what the voter is feeling, seeing, needing, and trying to communicate. It is most important to remember to put assumptions aside so greeters are better able to hear and understand a voter's responses.
- Focus on what you can do to assist the voter. Be a problem solver.
- Assume good intentions unless proven otherwise.
- Repeat back the voter's question, this acknowledgement will help ensure you understand their concern and let them know you are listening.
- Explain the law or voting procedure, referring to the posted guidance were appropriate.

BE KNOWLEDGEABLE IN ELECTION PROCEDURE

Remind voters to have their photo ID ready.

Be knowledgeable about voting procedures but answer only generic procedural questions on voting. Answer only if you are certain of the correct answer. Direct voters to the posted information or the moderator if not absolutely certain of the correct answer.

Assist in managing lines of voters, alleviating bottlenecks and communicating with other polling officials.

Alert the moderator when registered voters are required to wait in a line for more than 10 minutes to start checking in to obtain a ballot. The moderator needs to take action to mitigate lines if the wait time persistently exceeds 15 minutes.

Contact an election officer to help voters with disabilities locate the accessible voting booth and OmniBallot accessible voting system.

Direct voters seeking assistance with marking their ballots to the moderator.

Monitor for issues (such as voter intimidation, inference with the orderly election process, or electioneering) inside and outside the polling place. Notify the moderator if you observe any concerns.

Electioneering

Review the Election Procedure Manual section on Electioneering. Notify the moderator if any electioneering is observed inside the polling place or inside the no electioneering zone established by the moderator outside the building.

Inside the no-electioneering zone, no one can hand out campaign materials intended to influence the action of a voter to voters. The prohibition applies only to those campaign materials about candidates, issues, or parties that appear on the ballot at the election.

Follow the moderator's instructions about what to do and how to communicate with a voter who is wearing or holding campaign material that is intended to influence the actions of a voter inside the polling place. New Hampshire statutes have been revised to permit a person wearing clothing with electioneering messages on it, which cannot reasonably be removed or covered, to wear the clothing inside the polling place while expeditiously registering to vote or voting. That person will not be allowed to linger after voting to observe the polling place, while still displaying electioneering communication. RSA 652:16-h.

The moderator may prefer to be alerted and to address the concern himself/herself. If instructed by the moderator to communicate with the voter, you should say: "Electioneering is not allowed inside the polling place. Please remove/cover up/put down the campaign material that you are wearing/holding." If the voter refuses, refer the matter to the moderator.

A Greeter must understand and comply with the prohibition on election officers electioneering. "No election officer shall electioneer while in the performance of his official duties. For the purposes of this section, "electioneer" shall mean to act in

any way specifically designed to influence the vote of a voter on any question or office. Any person who violates this provision shall be guilty of a misdemeanor." RSA 659:44.

Well-intended voters, particularly those who may know the Greeter, may innocently seek guidance on voting. The Greeter must politely decline and make no statement that could be misconstrued as intended to influence how the person should vote. The best practice is to plan a standard response/statement and review it with the moderator before you begin serving as a greeter. For example: "I cannot answer that question because while I am serving as a greeter the law prohibits me from saying anything that might influence how you will vote today."

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Accessibility in Elections

The New Hampshire State Constitution, state laws, and federal laws require every polling place to be easily accessible to all persons, including persons with disabilities and elderly persons who are otherwise qualified to vote. In order for a polling place to be deemed accessible, a number of specific conditions must be met. These conditions address the parking; the path of travel (to, from and within the polling place); the ramps (where provided); the entrance(s); the doors; the floor surfaces; and the voting booth(s). New Hampshire Constitution, Part 1, Article 11; RSA 658:9-a.

In 2007, the Legislature amended RSA 658:9-a, which sets forth the conditions for accessibility at polling places, to make clear that the statutory accessibility conditions must comply with the New Hampshire building code, RSA 155-A, and the Americans with Disabilities Act of 1990, 28 C.F.R., part 36.

Advice on what constitutes an accessible polling place is discussed below by category.

> *"Every polling place in which state elections are held shall be easily accessible to all persons, including persons with disabilities and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. In order for a polling place to be considered accessible to elderly persons and to persons with physical disabilities, the following conditions shall be met; provided, however, that the provisions of paragraph I may be adopted by each municipality on an optional basis:"*

RSA 658:9-a.

PARKING

"*Where parking is provided for the polling place, there shall be at least one van-accessible parking space that is in compliance with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36 and designated with the international symbol of accessibility. The van-accessible parking space shall be at least 8 feet wide with an adjacent and parallel access aisle that is at least 8 feet wide and located on a level surface as close as possible to the accessible entrance. There shall be a clear path of travel without curbs or steps to the accessible entrance of the polling place from the van-accessible parking."* RSA 658:9-a, I: (Emphasis added)

NOTE: The requirements for accessible parking apply only to those polling places that have parking lots.

An accessible parking space must be at least 8-feet (96 inches) wide, 20-feet long and have a parallel and adjoining access aisle that is 20-feet long. The access aisle must be marked by diagonal stripes and have a "No Parking" sign so that all vehicles are prohibited from parking in the access aisle. The stripes are preferably, but not necessarily, yellow in color.

Accessible parking spaces must be located on level surfaces.

There must be at least 1 accessible parking space in parking lots of 1 to 25 total parking spaces; 2 accessible parking spaces in parking lots of 26 to 50 total parking spaces; 3 accessible parking spaces in parking lots of 51 to 75 total parking spaces; 4 accessible parking spaces in parking lots of 76 to 100 total parking spaces; 5 accessible

parking spaces in parking lots of 101 to 150 total parking spaces; 6 accessible parking spaces in parking lots of 151 to 200 total parking spaces; and 7 accessible parking spaces in parking lots of 201 to 300 total parking spaces.

At least 1 designated accessible parking space must be Van Accessible, that is, the parking space and an adjoining access aisle must each be 8-feet (96 inches) wide and be located as close to the main entrance as possible. See figure 1.

Additional accessible parking spaces must be 96-inches wide but the adjoining access aisles need only be 60-inches wide and 20-feet in length. Adjoining access aisles may be shared by accessible parking spaces. See figure 2.

All accessible parking spaces must be marked with an upright sign displaying the international symbol of accessibility that is mounted on a post or wall directly in front of the accessible space(s) at a minimum height of 60 inches (measured vertically from the parking surface to the bottom of the sign). Signs must be mounted so that they can be viewed from the driver's seat of a vehicle and in such a way that they cannot be obscured by a vehicle parked in the accessible space. See figure 3.

NOTE: Marked pavement may be helpful but it is not required and does not satisfy the requirement that accessible parking spaces be clearly marked.

ROUTE

"The paths of travel to and from the polling place shall comply with the accessible route requirements of the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36." RSA 658:9-a, II.

There must be a completely clear path of travel from the accessible parking to the entrance of the polling place. The accessible route to and from the polling place must be at least 36-inches wide.

The slope of the walks to and from the polling place shall be less than 5-percent or 1:20.

If the accessible route to and from the polling place has a cross slope (side to side tilt) it cannot exceed a 2-percent grade or 1:50.

The route, or path of travel, must have a continuous common surface that is not interrupted by curbing, bricks, steps and other such features, or by damaged or eroded pavement. Note: There is an exception to this requirement when a change in surface is used to indicate a curb ramp surface.

The continuous common surface cannot have a change in level that exceeds ¼ inch.

A change in level of between ¼ and ½ inch must be beveled with a slope no greater than 1:12. If there is a change in level of ½ inch or more, then a curb ramp must be provided. See figures 4&5. Note: this addresses bumps or raised pavement, not slope.

The accessible route surface must be stable, firm and slip resistant. (crushed stone, soft sand or mud is unacceptable). The accessible route must be kept clear of snow and ice.

CURB

"If there is a curb in a path of travel to the accessible entrance to the polling place, there shall be a curb ramp that complies with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36." RSA 658:9-a, III:

Curb ramps must be provided whenever an accessible route crosses a curb.

Curb ramps must be at least 36-inches wide, exclusive of flared sides.

The maximum slope of a curb ramp shall be 1:12.

The maximum slope of the side flares shall be 1:10. See figure 6.

There must be a detectable warning, i.e., a change in the texture of the surface, extending the full width and depth of the ramp so that a blind or visually impaired person may know by touch that they are entering a ramp.

There can be no protruding objects such as trees, shrubs, awnings, signs, benches, or buckets that interfere with the 36-inch minimum clear width of an accessible route.

Objects like phones and fire extinguishers may not protrude more than 4-inches from a wall into the accessible route. Objects that do protrude more than 4-inches into the accessible route must be mounted no higher than 27-inches from the surface so that they are detectable by a person using a cane. Objects hanging or mounted overhead must be higher than 80-inches to provide clear head room.

Note: If an object such as a fire extinguisher or trophy case protrudes more than 4 inches into the

route of travel and is mounted higher than 27-inches, place an object (potted plant, wastepaper basket) beneath it so that it can be detected by a person using a cane.

RAMP

"Where a ramp is provided, the ramp shall comply with the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36." RSA 658:9-a, IV.

Any part of an accessible route that has a slope greater than 1:20 is considered to be a ramp.

The least possible slope must be used for any ramp. The maximum slope is 1:12, i.e., 1 inch of rise for every 12-inches of run.

A ramp cannot exceed 30-feet in length (run) and 30-inches in rise. If a ramp must be longer than 30-feet in length or changes direction, then there must be a 60-inch-long level platform between the inclined sections of the ramp.

The clear width of a ramp shall be a minimum of 36-inches.

There must be level landings that measure a minimum of 60-inches by 60-inches at the top and bottom of every ramp and at every change in direction in the ramp run (sloped portion).

The cross slope (tilt) of a ramp cannot exceed 1:50. Ramp surfaces must be stable, firm and slip resistant. Ramps and landings with drop-offs must have curbs, walls, railings or projecting surfaces that prevent a person from slipping off the ramp. Curbs must be a minimum of 2-inches high.

Ramps are required to have handrails on both sides that must be mounted between 34 and 38-inches above the ramp or ground surface measured from the top of the rail.

They are also required to have a clear space of 1½-inches between the rail and any wall, a gripping surfaces that are continuous and that do not rotate within their fittings, extend a minimum of 12-inches beyond the top and bottom ends of the ramp and be parallel with the ramp or ground surface, and be rounded at the ends or returned smoothly to the floor, wall or post. See figure 7.

ENTRANCES

"*Entrances, doors, and doorways shall comply with the New Hampshire building code, RSA 155-A, with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36, and with the following requirements:*

a. There shall be at least one primary entrance to the polling place accessible to elderly persons and persons with disabilities and clearly marked with the international symbol of accessibility.

b. If there are entrances that are not accessible, they shall have signs posted directing voters to the accessible entrance." RSA 658:9-a, V.

There must be at least 1 primary accessible entrance to the polling place which is clearly marked with the international symbol of accessibility. Note: it is strongly recommended that the main entrance also be the accessible entrance.

Doorways must have a minimum clear opening of 32-inches with the door open 90 degrees measured from the face of the door to the opposite stop. See figure 8.

Two hinged or pivoted doors in a series must have between them a minimum space of 48-inches plus the width of any door swinging into the space between them. See figure 9.

Doors in series must either both swing in the same direction or both swing away from the space between the doors. See figure 9.

A door that requires a pull motion to open must have enough space (18 inches minimum) on the pull side of the door to allow for the safe maneuvering of a wheelchair. See figure 10.

The pressure required to open an inside door must be 5 pounds or less. Note: There is no ADA standard for an outside door.

Door hardware must be operable with a closed fist. See figure 11.

Door hardware must be located between 34- to 48-inches above the ground.

The floor inside and outside of each doorway of a polling place must be level for a distance of 48-inches plus the width of any door swinging in to the space.

Automatic or power doors must operate in a manner and direction that is not hazardous. Note: automatic or power assisted doors are not required.

The thresholds to the polling place must have changes in level of ¼-inch or less, or ½-inch or less if beveled.

Floors in polling places must be level with no thick mats or carpets that could trip a person or block a wheelchair.

Note: the ADA establishes the maximum thickness of an accessible mat or carpet at ½-inch.

INTERIOR ROUTES

"*The path of travel in the interior of the polling place shall comply with the accessible route requirements of the New Hampshire building code, RSA 155-A, and with standards implementing the Americans with Disabilities Act of 1990, 28 C.F.R. part 36*." RSA 658:9-a, V.

There must be a completely clear path of travel from the accessible entrance of the polling place to the registration tables, check-in tables, voting booths, ballot box, and the polling place exit.

The accessible route within the polling place must be at least 36-inches wide.

The accessible path of travel must have a smooth and continuous common surface that is firm, stable and slip resistant.

Thresholds or other changes in elevation between ¼- and ½-inch must be beveled with a slope no greater than 1:12. If there is a change in level of ½-inch or more, then a ramp must be provided. See figures 4&5.

Carpets or mats are to be no thicker than ½-inch and secured.

Objects that protrude more than 4-inches into the path of travel must be lower than 27-inches or higher than 80-inches above the floor.

ACCESSIBLE VOTING BOOTH

Each polling place must have at least 1 accessible voting booth which is easily accessible to elderly persons and to persons with physical disabilities. RSA 658:9, III; New Hampshire Constitution, Part 1, Article 11.

Every accessible voting booth must have 3 sides enclosed and be well- lighted.

Every accessible voting booth must have a front enclosed by a curtain or a door that swings outward. The door of the curtain must extend to within 2-feet of the floor:

The minimum dimensions are:

1. Not less than 80-inches high;
2. Not less than 60-inches wide at its front and back; and
3. Not less than 60-inches deep.

Every accessible voting booth must contain a shelf or a table that is the width of the booth, is 30- to 32-inches high at the writing surface and has at least 28-inches of unobstructed space from the floor to the shelf bottom for leg clearance. See figure 12.

TABLETOP VOTING PRIVACY SCREENS

Each polling place shall have tabletop voting privacy screens available for use in an election. These screens can fulfill up to 50% of the minimum requirement for standard voting booths. Elderly and disabled voters may find voting privacy screens convenient, since they enable voters to sit down to complete their ballot. RSA 658:9, IV.

Each voting privacy screen shall consist of 3 panels, to be positioned on a table or similar surface so that when a voter is marking a ballot, he or she is provided privacy.

Each screen panel shall be at least 17-inches high and 15-inches wide.

UNFORESEEN ACCESSIBILITY EVENTS

RSA 659:20-a provides an emergency stop-gap option in the event that an unforeseen accessibility issue arises. This law was adopted to address a situation where a voter attempted to access an ADA-compliant polling place, and was unable to do so. In this unlikely scenario a voter is able to vote absentee from outside the polling place during polling hours. Do not use this law in lieu of maintaining an accessible polling place, and it should not be used for a voter's convenience in place of voting absentee when a voter can anticipate difficulty getting into the polling place. This provision was not created for the convenience of a voter who otherwise has the means to enter the building or vote absentee.

The U.S. Department of Justice has published a helpful guide to federal polling place accessibility requirements. The guide is available online at: https://www.ada.gov/votingck.htm (Last Visited 6/25/2024).

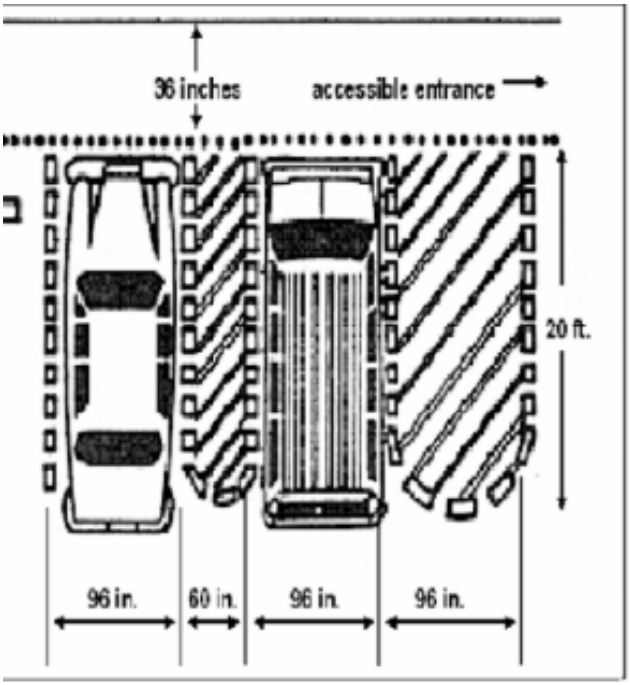


Figure 1

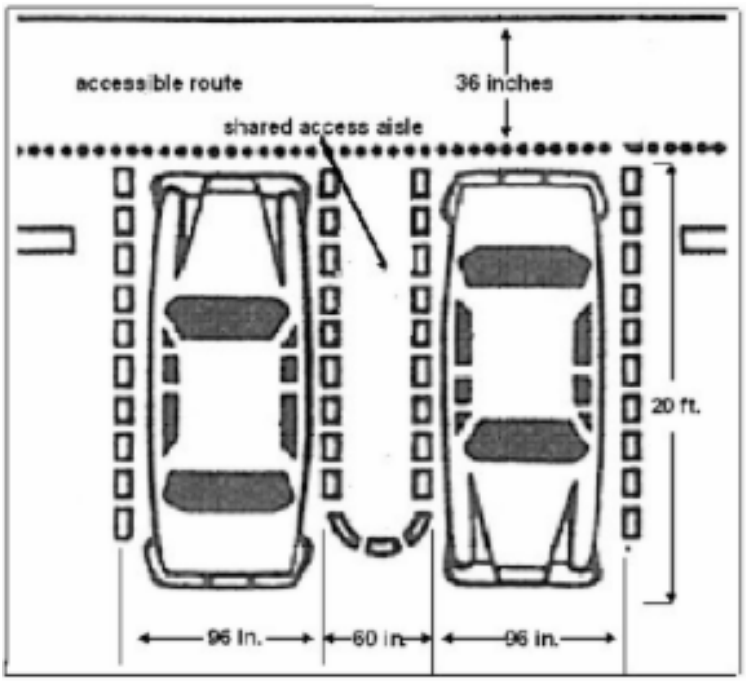
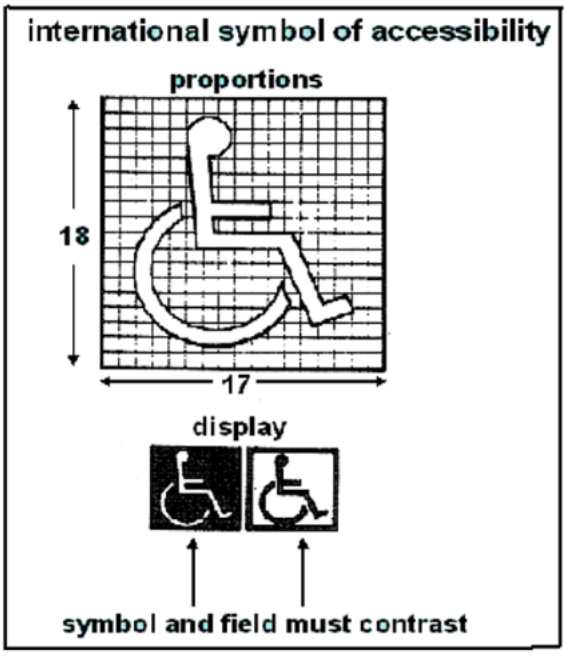


Figure 2



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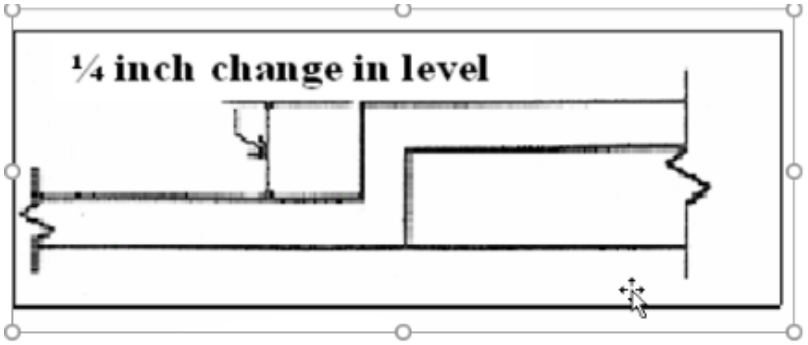

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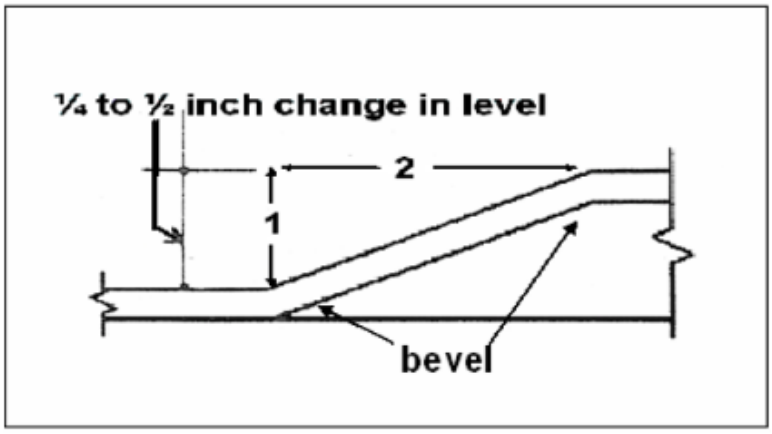

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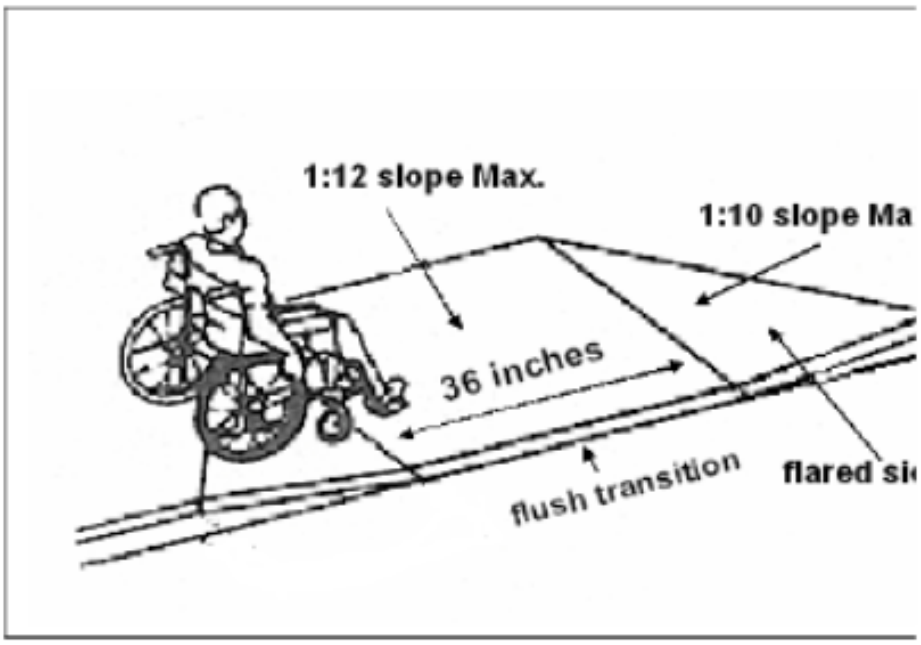

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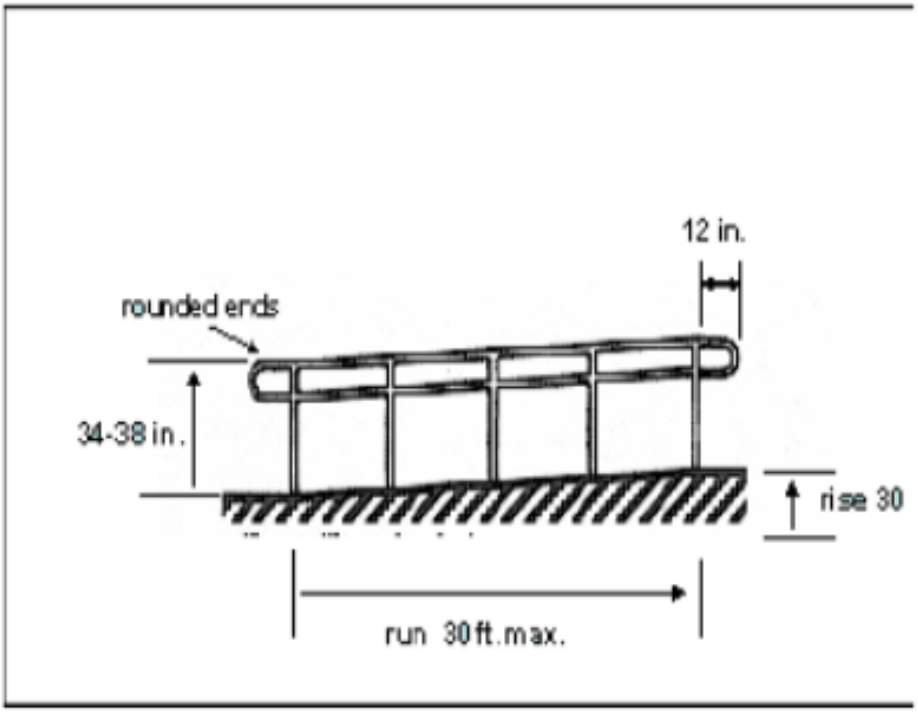

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Cybersecurity Generally

"No electronic ballot counting device shall have access to or be connected to the Internet." RSA 656:42, X. Access to the physical devices must be controlled by seals affixed to the device and a log maintained documenting all physical access. RSA 656:42, VIII. This guidance relates to the computers local election officials use to access the Statewide Voter Registration System (SVRS) and to perform elections related work.

Protecting our electronic systems from malicious attempts to gain access is an important responsibility for all election officials, particularly those who have login credentials for SVRS. Simple safeguards play an important role in keeping our systems safe. The Elections Division Help Desk staff and your town or city IT Manager/staff are available to help. When you are unsure or suspicious, always seek assistance before responding to an e-mail or request.

Adversaries are constantly using new tactics to try to gain access to secure computer systems and to steal your log-in credentials or money. There are no unreasonable questions; better to be safe than to be sorry.

Do not open attachments or click on links unless you know it is legitimate and from someone you know and trust. If any question exists – call or e-mail the sender using a phone number/e-mail address from your records. Do not use information from the suspect e-mail. Just opening an attachment or clicking a link risks downloading malicious code, often in a process that will be invisible to you. Malicious links or attachments can cause or include:

- Ransomware – locks up your data, seeks a ransom payment
- Malware – does damage to your files or computer software
- Keystroke Recorder – captures and reports back your keystrokes, what you type into your computer – allows criminals to steal your usernames/passwords; and
- Data theft – gains access to and steals private voter data or your office/personal financial data.

Artificial Intelligence

The increased use of artificial intelligence raises cybersecurity concerns. Below are some common examples of ways bad actors can use it:

- Email phishing scams: Bad actors can use AI to create sophisticated emails that mimic the tone and style of legitimate communications to trick you into giving out your personal information or clicking on phishing links.
- Chatbots: Scammers use chatbots to impersonate human customer service agents. This type of scam usually results in the victim

unknowingly giving up sensitive information to an unauthorized party.

- Voice Synthesis: Scammers collect audio data from publicly available sources like social media, customer service calls, interviews, etc. The AI is then able to dissect the data to understand the tone, cadence, and annunciation so it can replicate a person's voice. Scammers can generate calls using a voice that sounds like someone you trust in distress to ask you for money or personal details.
- Targeting: AI can determine which personnel within an organization may have access to sensitive information, and scammers use this information to create calculated and targeted attacks against those personnel.
- Deepfakes: Deepfakes are audio recordings or video clips of people, generally well-known people, doing or saying things they never did or said. Deepfake audio may have an unnatural cadence or breathing pattern.

Election officials can combat these scams in a number of ways.

- Trust your "gut" and don't second guess yourself: Often, victims report feeling something was off initially, but end up second guessing themselves because the AI communication was convincing and urgent. Trust your instincts and reach out to the Attorney General's Elections Unit and the Elections Division Help Desk if you are concerned about an interaction.
- Avoid clicking or downloading attachments: If an email prompts you to click a link or download an attachment, don't do it. Hover your mouse over the link to determine the URL. In a scam email, you will generally notice inconsistencies in the URLs provided.
- Verify identities through alternative communication: If you suspect that something is awry, you should verify the identity of the individual in question through an alternative form of communication (email, text, Teams message, phone call, etc.) If this is not an option, reach out to your local IT department.
- Rely on your training: Training is the best defense against social engineering attacks. Even when an organization has technical controls implemented, an attacker can easily gain access to a system by tricking an authorized user to share credentials or other sensitive information.

Defend Against Phishing

A "phishing" e-mail claims to come from a recognized source and asks you to verify your account, re-enter information, or to make a payment. Phishing e-mails often have the look and feel of e-mails from a legitimate source. Malicious e-mails may contain a governmental or bank logo. Malicious e-mails and websites may have addresses that at first glance are identical to the legitimate address of someone you regularly correspond with. Careful examination may reveal a one- or two character difference, that will divert your information to the criminals.

The objective of the scam is to trick you into providing the details the attackers need to access your account with SVRS, your e-mail system, or other local systems you use for election administration and other purposes. Beware, do not respond to generic greetings or requests for information that the sender should already have.

Many sophisticated phishing attempts will use information about you obtained from public records or scammed from others. These malicious e-mails may be called "spear phishing." They will falsely build your confidence that the message is legitimate; by including things you think only a legitimate sender would know.

Beware of any e-mail seeking information or encouraging you to open an attachment or click on a link, where the e-mail contains typos, poor use of English, or "alarming" threats or ultimatums. Not all malicious e mails will have these flaws, but their presence is a red flag warning.

If you feel the need to respond at all, using contact information from a source other than the email, contact the legitimate sender to determine if the request is legitimate. It is safer to verify by phone than by e-mail. Be certain to look up the phone number from your own records or an independent source.

SPOOFING

Malicious e-mails will sometimes fake the sending address, making it appear to be a legitimate e-mail from a recognized source. These attackers use an e-mail that is very similar to that of a legitimate sender, often to request payments or data from you or your office. If you are uncertain, verify the legitimacy of the request with the sender using contact information obtained from a source other than the email.

PHARMING

Attackers, in effect, hijack a legitimate website's domain name and redirect you to a fraudulent site. Check that the web address (URL) of any site asking for secure data is authentic – look for the secure certificate. Call the legitimate source to verify that the request is legitimate.

If you receive an SVRS or election related e mail or end up on a website that is suspicious, call the Elections Division Help Desk before responding.

WHALING

Whaling is a realistic looking e-mail, claiming to come from a legitimate looking source, such as "Dropbox" or other file storage site, which requests you to click through their "secure" account/site to download or view a shared document. Guard against whaling by refusing to click on any unfamiliar link and refusing to use file transfer systems that your IT manager did not set up or authenticate.

Criminals will use other malicious e-mails to gain access to your e-mail and then monitor it for a message from someone you do business with that indicates you will be sending money or log-in credentials. They will then send a message that appears to come from that same source, but which redirects your reply or links you to a website they use to steal your money, log-in credentials, or other valuable information. Documented cases exist in New Hampshire where criminals learned through e-mails that someone would be using an electronic transfer from their bank of significant funds. The criminals sent an official looking e-mail with a bank routing number for the transfer. The person had their bank send the funds to the account provided. It was an account opened by the criminals, which they promptly emptied, effectively stealing the money.

RANSOMWARE

Ransomware is a type of malicious software cyber actors use to deny access to systems or data. The malicious cyber actor holds systems or data hostage until the ransom is paid. After the initial infection, the ransomware attempts to spread to shared storage drives and other accessible systems. If the demands are not met, the system or encrypted data remains unavailable, or data may be deleted.

How Do I Protect My Computer?

Protect your computer, your data, and your voters' data by backing up all important information, store it offline and on a separate device (CD or Memory Stick).

For SVRS data, the state has multiple levels of backups – your local responsibility is to save the checklist for your town regularly:

Before the election is entered into SVRS – save the Alpha List to a PDF file each month and after each supervisor's session;

After the election is entered into SVRS – save the Checklist:

- monthly and after each supervisor's session;
- weeks prior to the election save the checklist weekly; and
- 2 weeks prior to the election save the checklist daily.

Store backups on a separate storage device. Keep your software current – install windows and browser publisher's updates as they become available. Install an anti-virus program sold by a major vendor. Avoid free or discount cost anti-virus programs. Keep the anti-virus software updated. Set the software to conduct regular scans of your system automatically.

How Do I Know My Computer Is Infected?

Typically, you will receive a ransom message. Ransomware may direct a user to click on a link, through an email, to pay a ransom; however, the link may be malicious and could lead to additional malware infections. Some ransomware variants display intimidating messages, such as:

> "Your computer was used to visit websites with illegal content. To unlock your computer, you must pay a $100,000 fine."
>
> "You only have 96 hours to submit the payment. If you do not send money within provided time, all your files will be permanently encrypted, and no one will be able to recover them."

What To Do If Infected With Ransomware

Isolate the infected computer immediately. Disconnect from any networks or attached storage devices. Power-off until an IT professional can assist with assessing the device.

Have backups assessed to ensure they are not infected before using them to re-establish your files. Change all online accounts and network passwords using a different computer, not the infected computer. Notify law enforcement and the Elections Division Help Desk.

Physical Security in the Office

Position your computer monitor so that it cannot be viewed by the public or others who do not have access to SVRS or other secure tools that you use.

Keep any paper record of your log-in credentials and account numbers in secure storage. Ensure that Voter Registration Forms and other election records that contain nonpublic information are kept secure and are put away when you are away from your desk. Have appropriate locks on filing cabinets, desks, and the door to your office. Maintain careful and documented control of keys.

SVRS Data Requests

Take time to get it right. Stop and review whether the person making the request has a legal right to the information being requested. If you have questions, call the Elections Division Help Desk.

Be Confident in Your New Hampshire Election

We are A Paper State!

Clerks receive their paper absentee and official ballots from the Secretary of State. Clerks check the paper ballots to ensure they are correct and confirm receiving an appropriate number of ballots. Checklists are printed out on paper and certified by the Supervisors. Moderators run the "zero" tapes to prove there are no votes for any candidates in the ballot counting device memory card before voting starts. Candidates are always listed on the zero and results tapes as they appear on the ballot. The moderator checks for any anomalies on this tape. The device is not used if anomalies are found.

In a hand-count town, before the first ballot is cast, the Moderator opens and displays the interior of the ballot box to all present, showing that the ballot box is empty.

Voters mark their choices on the paper ballot. Most ballots are counted by a device on election night, but all ballots are hand counted by humans at a recount.

Moderators report the election results on paper using the Return of Votes form. This results report is transported by the NH State Police to the State House in Concord.

It is very important that election officials understand cyber threats and use all available cyber security tools and protocols. However, our use of paper voter checklists, paper ballots and reporting results on paper justifies confidence in New Hampshire's elections.

Trusted Sources

You have three trusted sources:

- Clerks, Moderators and Supervisors
- Secretary of State's Office
- Attorney General's Office

Understand cyber security and our paper-based election system. Explain the benefits to instill confidence in the fairness and accuracy of our elections in your voters.

ELECTION SUPPLIES - SAMPLE LIST FOR EACH TOWN / WARD

- ☐ Ballot Box (1) (Legitimate-appearing box with "Official Ballot Box" sign recommended as contingency to avoid long lines developing)
- ☐ Stapler
- ☐ Staple Remover
- ☐ Pencil Sharpener
- ☐ Black Pens
- ☐ Note Pad
- ☐ Red Pens
- ☐ Fasteners
- ☐ Regular Pencils
- ☐ Lights for ballot (1 each booth)
- ☐ Magnifying devices (1 each booth)
- ☐ Rulers (6-8 depending on number of check-in stations)
- ☐ Scissors
- ☐ Rubber Fingers
- ☐ Alphabet Tabs
- ☐ Masking Tape
- ☐ String
- ☐ Paper Clips
- ☐ Manila Folders (to be used as privacy folders) (25)
- ☐ Filament Sealing Tape
- ☐ Thumb Tacks
- ☐ Electrical Strip
- ☐ Extension Cord
- ☐ Rubber Bands for Ballot Separation Organizer Box
- ☐ Letter Opener
- ☐ Magic Markers
- ☐ Guardrail – Rope/Ribbon to establish a divider around the voting area
- ☐ Scotch Tape
- ☐ Ward Map for cities and towns with districts
- ☐ Printing Calculator
- ☐ Sticky Notes for Ballot Piles Identification
- ☐ Red Security Tape (Sealing Ballots)
- ☐ Signs
- ☐ Flag
- ☐ Clip boards (10)
- ☐ Blank white sheets of heavy paper for letters of alphabet (26), and for signs (10), as needed
- ☐ Boxes (6) to help supervisors organize new voter registration forms (front side only completed), new voter registration forms (front and back sides completed), name changes, address changes, and other
- ☐ Certified Checklists in (and out) lists (signed by supervisors)
- ☐ Checklist (1) Posting (Alpha Voter Checklist)
- ☐ Sealed Box(es) of Official Ballots
- ☐ Absentee Ballot List from SVRS
- ☐ Absentee Ballots (to use for curbside voting and if ballots run out)
- ☐ Absentee Ballot Applications and Envelopes

- ☐ Absentee Ballot Return Forms (for delivery by family members or other delivery agents)
- ☐ All alphabet letters printed separately on 8 ½" X 11" paper, so letters may be moved quickly to avoid long lines
- ☐ Attorney General Checklist (Polling Place Compliance)
- ☐ Notice to Voters Sample Ballots Voter Instructions
- ☐ Purity of Election Laws
- ☐ Voter Registration Form – November 2024
- ☐ Attestation of Not Possessing Qualified Domicile Proof Documents
- ☐ Domicile Confirmation Statement
- ☐ Homeless Domicile Confirmation Statement
- ☐ Qualified Voter Affidavit for Citizenship
- ☐ Application for Confidential Verification of NH Vital Record or DMV Record Form (including instructions on how to use)
- ☐ Ballot Clerk Procedure (Paper or Electronic Poll Book)
- ☐ Voter ID Explanatory Document (version #5-2026)
- ☐ OmniBallot Accessible Voting System and all peripherals
- ☐ Registering to Vote in NH Document – June 2026
- ☐ Law for Voter Registration and Election Day Check-in
- ☐ Challenged Voter Affidavits
- ☐ Asserting a Challenge Form
- ☐ Return of Votes Form
- ☐ Tally Sheets
- ☐ Pre-election Certificate
- ☐ Post-election Certificate
- ☐ Name on Checklist
- ☐ Label for Resealing Ballots

RECOMMENDED DISTRIBUTION OF LETTERS FOR MULTIPLE CHECK-IN STATIONS

	Number of Voter Check-in Stations													
	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Distribution of Letters of the Alphabet	A-K	A-F	A-C	A-C	A-B	A-B	A-B	A-B	A-B	A-B	A	A	A	A
	L-Z	G-M	D-J	D-G	C-E	C-D	C-D	C	C	C	B	B	B	B
		N-Z	K-P	H-L	F-I	E-G	E-G	D-F	D-F	D-E	C	C	C	C
			Q-Z	M-Q	J-M	H-K	H-K	G-H	G-H	F-G	D-E	D-E	D-E	D-E
				R-Z	N-R	L-M	L-M	I-L	I-L	H-J	F-G	F-G	F-G	F
					S-Z	N-R	N-Q	M	M	K-L	H-J	H-J	H-J	G
						S-Z	R-S	N-Q	N-P	M	K-L	K-L	K	H-J
							T-Z	R-S	Q-R	N-P	M	M	L	K
								T-Z	S-T	Q-R	N-P	N-P	M	L
									U-Z	S	Q-R	Q-R	N-P	M
										T-Z	S	S	Q-R	N-P
											T-Z	T-U	S	Q-R
												V-Z	T-U	S
													V-Z	T-V
														W-Z

An Excel Version of this chart which shows the number and % of voters for each letter of the alphabet and the distribution for each check-in station is available upon request to nhvotes@sos.nh.gov.

Polling Place Internal Layout Checklist

_____ Equipped with a United States flag.

_____ Furnished with all necessary forms, signs, supplies, equipment and seals.

_____ Equipped with a guardrail constructed and placed so that only persons inside the rail can approach within 6 feet of any voting booth and the ballot box or ballot counting device.

_____ Has a designated voter registration area, with table(s) and chairs for supervisors of the checklist, located outside the guardrail.

_____ Has a designated check-in area, with table(s) and chairs for ballot clerks, located outside the guardrail (but with a nearby entrance to the area within the guardrail for voters who are issued ballots).

_____ Has an alternate entrance for persons with disabilities that is signed with a clear path to the check-in table.

____ Has sufficient public space outside the guardrail to allow observation of the election.

_____ Has a station for challengers outside the rail, but within sight and sound of the ballot clerks. When ballot counting is occurring challengers must be able to see and hear hand-counting of ballots and to maintain a line of sight on any electronic counting device, while being positioned at least 4 feet from the ballots being counted. RSA 666:5-a; RSA 659:63.

_____ Arranged so that the voting booths and voting privacy screens are in plain view of the election officers.

_____ Voting booths/screens are all inside the guardrail, and sufficient in number for the efficient conduct of the election Equipped with no less than one voting booth/screen for every 100 voters qualified to vote at the polling place at a presidential general election, one for every 125 voters at other state general elections, and for all other state elections, including the state primary election on for every 150 voters. For all city, town, school district, and village district elections, one for every 200 voters. Tabletop voting privacy screens may be used to accommodate up to 50% of the total requirements for voting booths. RSA 658:9

_____ Has at least one voting booth specially designed to be easily accessible to persons with disabilities and the elderly.

_____ All booths are equipped with sufficient lighting/lamps and magnifying lenses (recommended).

_____ Has a designated area for the ballot box or ballot counting machine inside the guardrail that is in plain view of the election officers and to the public area outside the guardrail.

_____ Has a checkout station (hand count towns only) inside the guardrail and between the polling booths and ballot box.

_____ Has a designated area to exit from inside the guardrail after voting.

Model Continuity Of Operations Plan – Elections

This model plan provides municipalities with a recommended structure and elements of a Continuity of Operations Plan ("COOP") for conducting elections A municipality may adopt this plan by inserting the required local information. Municipalities may make additions or revisions to this plan as needed to meet local needs. Please submit a copy of the completed plan to the Secretary of State.

This model is in the context of a town. A city plan may substitute the city clerk for the moderator in those areas where the city clerk is responsible for or performs the task discussed.

Continuity of Operations Plan for Elections
For the Town/Ward of:

[Insert town/city & ward Name]

ALTERNATIVE POLLING PLACE
The governing body, working with the Moderator and Clerk, shall identify at least one alternative polling location that can be utilized in the event that the municipal polling place(s) becomes unavailable on election day. Once established, prior to each election the governing body or designee shall contact the owner or manager of each alternative facility and ensure that the location will be available if needed on election day.

The alternative polling place must be located within the town or city ward.

If the alternative polling place is not equipped with the tables, chairs, and other equipment necessary for conducting an election, the governing body or designee shall ensure the availability of the necessary equipment. The plan should address the contingency that the voting booths, voting privacy screens, tables, chairs, and other equipment that are usually used at the polling place will be unavailable. A plan for relocation in circumstances where the regular polling place and equipment has been destroyed or is otherwise unavailable may rely on a supply of cardboard boxes for use as voting privacy screens in place of voting booths and standard voting privacy screens. At polling places that use an optical scan ballot counting device(s), the plan may rely on using a ballot box during the voting period. The plan should provide for hand counting all ballots. The plan may also have an extra optical scan ballot counting device available, in the municipality or through the vendor, as a replacement machine to count ballots using a tested copy of the program card.

Polling Place:
Address:

Evacuation assembly point:

Alternative Polling Place:
Address:
On-site Phone:

Evacuation Assembly point:

24-hour Contact information for owner/manager of the Alternative Polling Place:
Name:
Phone Number Office: Home: Cell:
Address:
E-mail:

Alternative contact for owner/manager of the Alternative Polling Place:
Name:
Phone Number Office: Home: Cell:
Address:
E-mail:

Staffing Polling Places

The governing body, working with the Moderator and Clerk, shall identify a replacement pool of workers who can replace election officials or Inspectors of Election (Ballot Clerks) who are unable to work on election day or to alleviate overburdened polling locations. The availability of these replacement workers shall be confirmed for each election within 4 days prior to election day. If a communicable viral threat exists, consider the existence of relevant underlying medical conditions and the age of the replacement workers into the recruitment of replacement workers. Provide replacement workers with the Election Procedure Manual and coach them to use it to train themselves for their assigned role.

The moderator and the clerk shall ensure that prior to election day, a deputy/assistant/pro tem is appointed for each of their offices, is trained, and takes the oath of office. Ensure each will be available should the Moderator or Clerk be unavailable or become unavailable during election day.

Fire Safety Compliance

The governing body, with the assistance of the fire department, shall ensure the polling place is in compliance with state fire safety laws and local fire safety ordinances, including fire extinguishers, sprinklers, and fire alarms.

Contact Information

The moderator, working with the clerk shall establish and maintain a list of contact information for each polling place. Update the list within one week prior to each election and no later than the Friday before the election. Provide a copy to the Moderator, any assistant/deputy moderators, the clerk, any deputy clerks, the Supervisors of the Checklist, and the governing body. Bring a copy of the list to the polling place. The list shall include:

1. Contact information for all election officials, inspectors of election, and individuals identified as replacement workers.
2. Emergency and non-emergency contact numbers for local police, fire, and EMS, the municipal emergency management director, the electric provider for the polling place, the highway department/road agent, the Attorney General's Office, and the Secretary of State's Office; and
3. Emergency resources, such as a source for a power generator or temporary lighting, unless such resources will be provided by the fire department.

24-hour contact numbers for the owner/manager/maintenance staff of the polling place and the alternative polling place.
Establish a single primary communications mechanism to enable communication between the polling

place and the Attorney General, Secretary of State, Police, Fire, and EMS.
Establish a sure communications mechanism and point of contact to enable the State (Attorney General or Secretary of State's office) to reach the polling place, and the reverse. This should be a landline in most polling places. A cell phone, if phone service is good and the individual with the cell phone will be at the polling place at all times, might be adequate.

Police, Fire, Ems

A copy of the updated COOP plan, including the Contact Information list shall be provided to the police department, fire department, and governing body no later than 5:00 PM on the Friday before the election.

Pre-Election Review

The Moderator, Clerk, and such other municipal officials designated by the Moderator shall review the updated COOP plan prior to the election and ensure that copies of the plan are available at the polling place.

Spare Ballots

The Clerk shall withhold and keep at the clerk's office or some other secure location away from the polling place at least one official ballot for each unique ballot to be voted at the election. The secured ballot(s) shall be used to create new ballots by photocopying in the event that the ballots to be used at the polling place are destroyed or otherwise become unavailable. The Clerk shall arrange in advance to have access to a photocopier, appropriate paper, and any other necessary supplies. The clerk or designee shall sign or initial each ballot produced by photocopying in an ink color other than black to authenticate the ballot.

Emergency Equipment

The governing body or designee shall supply each polling place with a generator and fuel, and emergency provisions, including but not limited to, two flashlights, a first aid kit, a battery-operated radio, and extra batteries. This requirement may be satisfied by preexisting equipment in place in the building used as a polling place, provided the equipment is repositioned to be immediately available to election officials in the polling place on election day. For each polling place with cell phone service, the Moderator, working with the Clerk, shall ensure that some election official is present with a working cell phone at all times when the polling place is in use on election day. For polling places that do not have cell phone service, the moderator shall ensure that some means of requesting emergency assistance is readily available to election officials in the area of the building where the election will be conducted. Access to a land line telephone or emergency services radio will satisfy this requirement.

Pre-Election review of the Polling Place(s)

1. Not later than one day prior to election day, the Moderator, or designee, shall visit the polling place to ensure:
    a. The location is accessible to persons with disabilities (see Duties of Selectmen Section);
    b. That facility lighting and equipment is in proper working order;
    c. An appropriate person will be available to open the polling place and assist election officials as needed to open the polling place to voting; and
    d. All facility-specific backup equipment such as a generator or temporary lighting is accessible and functioning.

Moderator COOP Plan Duties Prior to Opening for Voting

Prior to opening the polling place to voting on election day the Moderator shall:

1. Establish a central point where everyone in the polling place should gather and report to if an

2. Review the COOP plan.
3. Designate another election official to oversee execution of emergency procedures in the event the moderator is unavailable or incapacitated.
4. Assign responsibility to specific election officials for securing ballot boxes, ballots not yet issued to voters, and the marked checklist(s) in the event of an emergency. The ballot counting machine should be secured if this can be done safely, but securing the ballot counting device is a lower priority than the ballots and checklist. Instruct the assigned officials to secure these voting materials only if time and conditions permit doing so safely.
    a. To the extent practical two officials who are registered with different political parties shall be assigned each task.
    b. When having two officials from opposite parties is impractical, as soon as the official is in a safe area, instruct the assigned official to recruit a second election official or voter, who is registered with a different political party. The recruit should assist with and witness maintaining the security of the voting materials until the conduct of the election is restored or the materials are placed in an approved secured location.
    c. In the event of a medical emergency or other event that does not require evacuation, instruct the assigned officials to focus on the security of the ballots, ballot boxes, and voting while the Moderator focuses on managing the emergency.
5. Assign accountability to a poll worker who shall, upon notification of an emergency, note which voters have been checked through but have not yet voted. The moderator shall instruct the poll worker to complete this task in the event of an emergency, only if time and conditions permit.
6. Point out to election officials and poll workers the location of fire extinguishers, fire alarms, emergency exits, Automated External Defibrillator ("AED"), the place of shelter and the predetermined central gathering point outside of the polling location.
7. Ensure that all emergency exits are free of obstructions.
8. Ensure the Clerk has reserved at least one of each unique ballot for use in the event that there are ballot shortages and additional copies are needed.
9. Identify two fully charged cell phones for use in case of an emergency. Bring a charger and connection cord to charge critical phones during election day.
10. Check the facility for any potential hazards, including but not limited to water on the floors, slippery sidewalks/parking area, and accumulated trash. Alert the facility management staff responsible for addressing any such hazards.

EVACUATION PROCEDURE

In the event of an evacuation of the polling place, to the extent doing so is safe, the Moderator shall:

1. Alert all individuals present of the emergency and direct them to the predetermined central gathering point.
2. To the extent practical, get a headcount and use this headcount to make certain everyone present evacuates from the polling place to the central gathering point.
3. Identify any individuals with disabilities and ensure they receive assistance, if needed, to evacuate the polling place.
4. To the extent that it can be done safely, collect the ballots which were issued to voters but not yet put into the ballot box/optical scanner. If voting resumes, these ballots should be marked spoiled, and the voter should be issued an unmarked replacement ballot.
5. Ensure that the previously assigned election officials secure voting equipment and materials,

provided this can be done safely.

6. If the emergency has been resolved, consult with emergency personnel to determine if the polling place can be re-entered and voting resumed. Notify the Attorney General and Secretary of State of the plan for resuming voting.
7. Coordinate an orderly restoration of the polling place. Election officials should move to their positions first. Once election officials are in place, voters who were voting and had not cast their ballot yet when the emergency began are allowed to re-enter the polling place. Voters who had not yet checked in or who arrived after the evacuation are then permitted to enter and check in.
8. If voting resumes at the alternative polling place, notify election officials, poll workers, an all others present that voting at the alternative polling place will begin as soon as the facility is equipped and staffed. All election officials and voters should report to the alternative polling place.

Smoke, Fire, Gas Leak, Or Activation Of The Fire Alarm

In the event of smoke, fire, fire alarm, or other activated alarm, the Moderator shall:

1. Activate the fire alarm if not already activated.
2. Alert everyone present to evacuate to the predetermine central gathering point.
3. Once the alarm is determined to be false or the fire extinguished, consult with emergency personnel to determine if the polling place is safe to resume voting.
4. Restore and re-staff the polling place for voting, begin moving voting to the alternative polling place, or begin the postponement of voting.

Loss Of Power At The Polling Place

If the polling place loses electric power, the Moderator shall:

1. Determine if emergency lighting and ambient light is sufficient to allow those present to complete registration and voting.
2. Alert everyone to the situation.
3. Contact the owner/manager of the facility and the power supply utility to determine the source of the outage, what action needs to be taken to resume power, and the estimated time when power will be restored.
4. If restoration will be delayed, assess the feasibility of utilizing generator power or moving the voting process to an area where ambient light and flashlights would allow voting to continue.
5. If an optical scan ballot counting device is used at the polling place and voting can be continued without power, put a ballot box into use. After power is restored, ballots cast into the ballot box should be inserted into the optical scanner to be counted. Publicly announce what you are doing and why to avoid confusion or actions being misconstrued.

Medical Emergency

In the event of a medical emergency at the polling place, the Moderator or designee shall:

1. Ensure emergency services are present or are called to the site.
2. Assess whether voting operations can continue or if necessary for public safety suspend voting.
3. If emergency services are not present, determine if any other qualified medically trained individual is present to assist until emergency services arrive.
4. Have a pre-established plan for the Moderator or a designated deputy/assistant to focus on the security of the ballots, ballot box, checklists, and voting process while the other focuses on managing the emergency.

Disaster

In the event of any other disaster, including but not limited to, chemical emergencies, dam failures, earthquakes, exposure to hazardous materials, floods, hurricanes, or tornados suspend or postpone voting as necessary to comply with directives issued by local or state emergency officials.

Security Threat

In the event of any security threat at the polling place or sufficiently close to the polling place to pose a serious safety concern, including but not limited to, the discovery of a suspicious object, a bomb threat, an explosion, a biological threat, a chemical threat, an active shooter, or a nuclear blast, the Moderator shall suspend or postpone voting as necessary to comply with directives issued by local or state emergency officials. If and when the nature of the threat makes doing so appropriate, evacuate all present at the polling place to the predetermined assembly site if it is a safer location.

Report Polling Place Emergencies

In the event any emergency occurs at the polling place, as soon as is safe and practical, notify the Attorney General's Office and the Secretary of State of the emergency, what additional resources are needed, and the plan for restoring, relocating, or postponing voting.

Unavailable Polling Place

In the event a polling place becomes unavailable:

1. The governing body and Moderator shall initiate relocating to the alternative polling place established in the COOP.
2. Contact the alternative location owner/manager to ensure its availability and arrange for relocating necessary equipment, voting materials, etc.
3. If the relocation occurs before election officials arrive at the polling place, notify all election officials and poll workers to report to the alternative location.
4. Place signs at or as close as is safe to the polling place listed in the warrant and public notices of the election directing voters to the alternative polling place.
5. The governing body shall arrange for town/city staff to be present at or as close as is safe to the polling place listed in the warrant and public notices of the election, to greet voters arriving there and redirect them to the alternative polling place.
6. Notice that the polling place is relocated shall be placed on the town/city website as soon as possible.
7. Send notice of the relocation of the polling place to all media (TV, Radio, News websites, etc.) that serve the town/city. The governing body, with assistance from the Clerk shall establish and maintain an e-mail and phone distribution list for the media that serve the town or city, which shall be inserted in or attached to the COOP. The Secretary of State, in consultation with the Attorney General and the Department of Homeland Security and Emergency Management shall establish a statewide list of media. State officials will update the list prior to September, November and March regular elections. The list will be available to municipalities through SVRS.

Media Outlet Name	Phone	E-mail

Excessive Wait Times/Shortage Of Poll Workers

A registered voter arriving at the polls generally should not have to wait more than 15 minutes to receive a ballot and have access to a voting booth or voting privacy screen. A person who arrives at the polling place who is not registered to vote generally should not have to wait more than 30 minutes to start the voter registration process. If higher than expected voter turnout or other circumstances result in excessive wait

times which appear likely to continue:

1. The Moderator shall request individuals in the replacement pool of backup workers to report to the polling place and assist. The Moderator may also recruit responsible voters in the town/ward from those present at the polling place. Pair untrained workers with experienced workers, provide a copy of the pages of the Election Procedure Manual that describes their duties, and to the extent practical provide training.
    a. If the excessive wait time is caused by insufficient voting booths or screens, the Moderator, to the extent practical, shall use tables and cardboard boxes or similar materials to create voting privacy screens for additional voting positions within the rail.
    b. If excessive wait time is caused by a backup at a particular checklist/ballot pick up point(s), the Moderator shall assess whether to shift one or more sections of the checklist bearing names starting with specific letters of the alphabet to the next checklist/ballot pick up point.
2. If the excessive wait time is for people seeking to register to vote, the Supervisors of the Checklist shall request individuals in the replacement pool of backup workers to report to the polling place and assist. The Supervisors may also recruit responsible voters in the town/ward from those present at the polling place to assist applicants for registration in completing the Voter Registration Form, however, the Supervisors or previously trained assistants must review the completed form and determine whether to approve the application.
    a. The Supervisors of the Checklist in towns/wards which historically have had excessive lines shall equip the polling place with clipboards and/or notify the governing body of the need for additional tables to ensure that applicants waiting in line have a suitable writing surface to use to pre-complete the Voter Registration Form while waiting.
    b. The Moderator shall ensure that signs and/or a greeter is in use to direct people arriving at the polling place to the correct line based on whether the person is already registered and has photo ID, registered but needs to go to the No Photo ID table, or needs to be registered.

THE OFFICE OF THE TOWN CLERK WILL BE CLOSED ON ELECTION DAY



VOTERS REGISTER HERE



VOTER CHECK-IN



VOTER CHECK-OUT



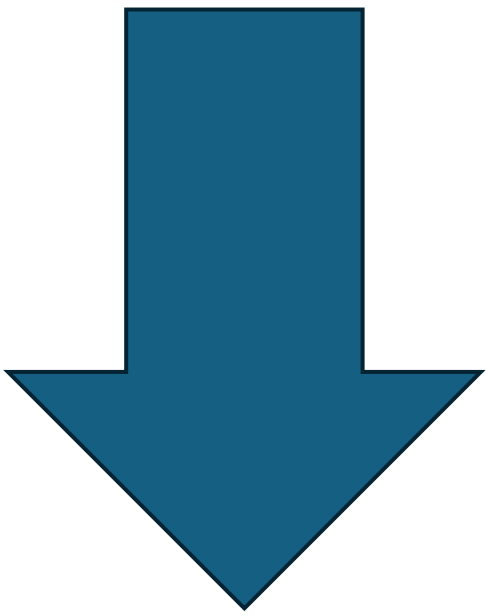
YOU MUST ANNOUNCE YOUR NAME AND ADDRESS TO THE BALLOT CLERK



YOU MUST ANNOUNCE YOUR NAME, ADDRESS, AND PARTY AFFILIATION TO THE BALLOT CLERK



PREVIOUSLY UNDECLARED VOTERS WHO WISH TO RETURN TO UNDECLARED, DEPOSIT COMPLETED ELECTION DAY PARTY AFFILIATION CHANGE FORM HERE



IF YOU WISH TO USE THE ACCESSIBLE VOTING SYSTEM, ASK AN ELECTION OFFICIAL



DEPOSIT PRIVACY FOLDER HERE



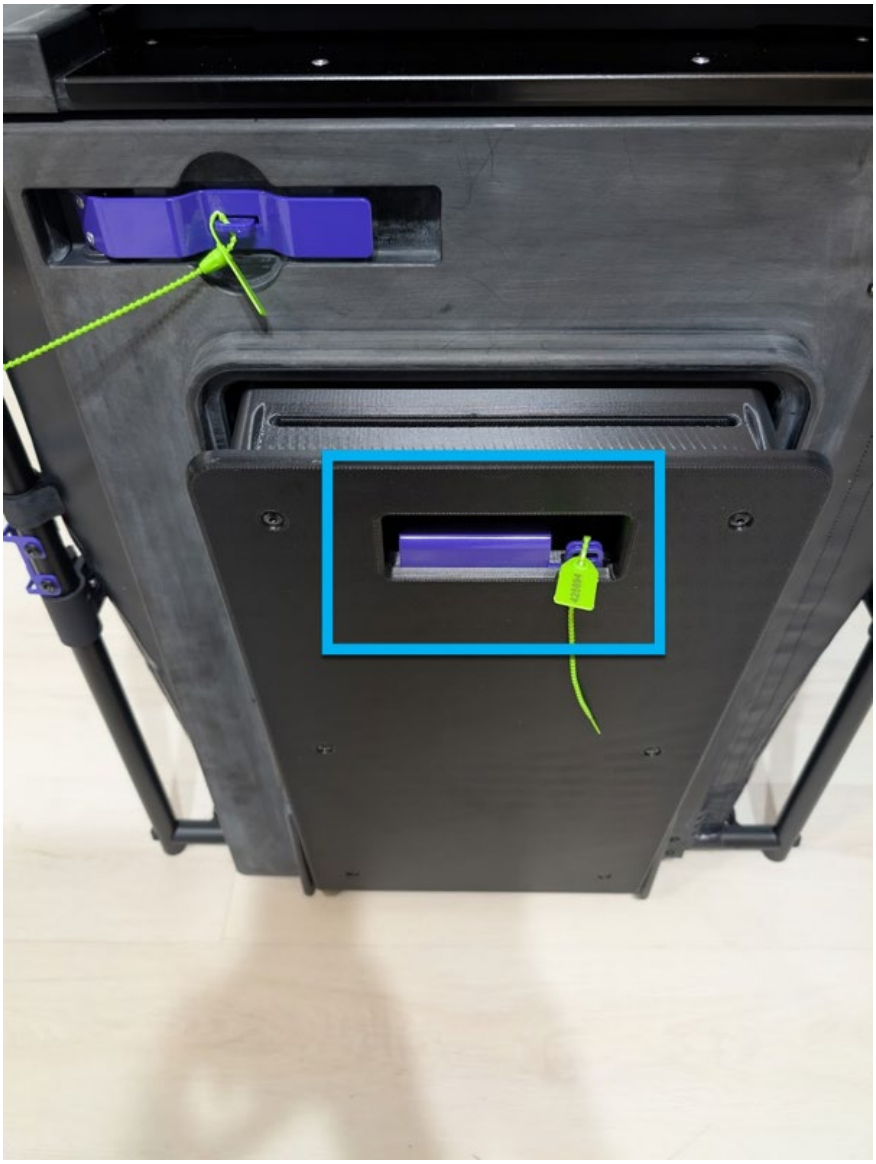
VERIFY YOUR REGISTRATION STATUS/PARTY AFFILIATION HERE



VotingWorks

Insert ballot here for hand counted ballots.

These ballots were not counted by the ballot counting device and must be hand counted.



Liberty Vote – Frontier Device

Insert ballot here for hand counted ballots.

These ballots were not counted by the ballot counting device and must be hand counted.



NEW VOTER AUTHORIZATION FORM

City/Town of _____

Authorization Form for New Voters

Instructions: Applicants for registration as a voter on election day must complete this form. Once your application to be registered as a voter has been approved, a Supervisor of the Checklist will sign this form. Take this form to the Voter Check-In table. A Ballot Clerk will add your name to the checklist and will issue you a ballot(s).

(For hand count towns only). The ballot clerk will hand this form back to you with the ballot(s). Keep it with you when you go to the voting booth to mark your ballot(s). When you are finished marking your ballot(s), fold the ballot(s) so that your votes cannot be seen and go to the check-out table. Hand this form to the town clerk or a ballot clerk who will add your name to the checklist used to check voters out. Then take your ballot to the moderator who will be positioned by the ballot box. Hand the ballot to the moderator, who will drop it in the ballot box.

This form authorizes the addition of the person named herein to the checklist as a new voter who has registered on election day:

Date: _____

Print your name here:

_____

Print the physical address of your voting domicile:

_____

_____

Party Affiliation as per Voter Registration Form:

_____

Sign the form:

_____

FOR OFFICIAL USE ONLY:

The person named above has been approved by the Supervisors of the Checklist as a new voter.

_____

Signed _____
(Supervisor of the Checklist)

2025

New Registered Voters List **Election Date:_____**

Letter:_____ **Town/City of _____** **Ward#_____** **Page #:_____**

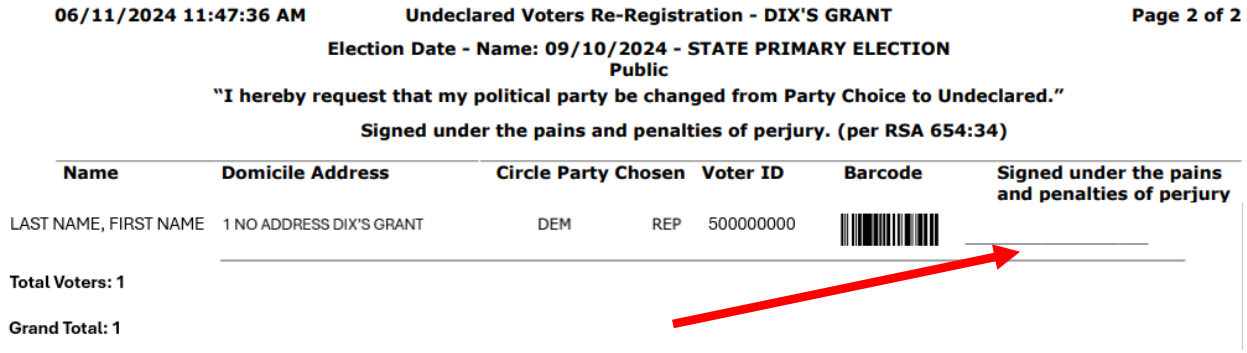
✓	Party	Last Name	First Name	Middle Name	OOS DL	Address

Undeclared Voters Re-Registration List from SVRS

A previously registered undeclared voter may sign this form to change party affiliation back to undeclared after voting on primary day. A person who registers undeclared on election day and then affiliates with and votes on the primary ballot of a party may return to undeclared using the form “Undeclared Voter Re-registration” printed from SVRS. The generic example below has an arrow showing where the voter signs.

Where there are a significant number of undeclared voters, the SVRS report used to create this form will list several voters on each page. The pages can be organized in a three-ring binder for ease of use and to ensure the forms are kept together. If the number of undeclared voters warrants doing so, you may want to use several binders, each containing a section of the alphabet.

To print this report go to SVRS: Activities -> Reports -> Elections -> Return to Undeclared for Primary



06/11/2024 11:47:36 AM Undeclared Voters Re-Registration - DIX'S GRANT Page 2 of 2

Election Date - Name: 09/10/2024 - STATE PRIMARY ELECTION
Public

"I hereby request that my political party be changed from Party Choice to Undeclared."

Signed under the pains and penalties of perjury. (per RSA 654:34)

Name	Domicile Address	Circle Party Chosen		Voter ID	Barcode	Signed under the pains and penalties of perjury
LAST NAME, FIRST NAME	1 NO ADDRESS DIX'S GRANT	DEM	REP	500000000		

Total Voters: 1

Grand Total: 1

Voters who register on election day as Undeclared may sign the form on the following page after they have declared a party and cast their ballot in the primary election. This will allow the voter’s party to be returned to the Undeclared status after the election voting history has been scanned.

To print forms from SVRS go to:
Inquiries->Help->Instructions>Return to Undeclared Template - 2024

Voter ID # _ _ _ _ _ _ _ _ _

UNDECLARED VOTERS
ELECTION DAY **PARTY AFFILIATION CHANGE** FORM

Name (Print) :_____

Address: _____

_____

_____

I hereby request that my political party registration be changed as follows:

FROM: Democrat [ ] or Republican [ ]

TO: Undeclared [ ]

Signed under the pains and penalties of perjury.

SIGNATURE: _____ **DATE: _____**

Voter ID # _ _ _ _ _ _ _ _ _

UNDECLARED VOTERS
ELECTION DAY **PARTY AFFILIATION CHANGE** FORM

Name (Print) :_____

Address: _____

_____

_____

I hereby request that my political party registration be changed as follows:

FROM: Democrat [ ] or Republican [ ]

TO: Undeclared [ ]

Signed under the pains and penalties of perjury.

SIGNATURE: _____ **DATE: _____**

Individuals Requiring And Providing Assistance

Immediately before each event when a person assists another requiring assistance in voting, the voter requiring assistance must first swear an oath that he or she needs assistance, and the person providing assistance must also swear an oath not to influence the voter.

OATH OF INDIVIDUAL REGISTERED VOTER REQUIRING ASSISTANCE IN VOTING

I,_____, do solemnly swear (or affirm) that I am unable to mark a ballot and require assistance in voting. See RSA 659:20

OATH OF INDIVIDUAL PROVIDING ASSISTANCE TO A VOTER

I,_____, do solemnly swear (or affirm) that in providing assistance to _____(voter), I shall mark the ballot as directed by him/her and will not unduly influence his/her decision with respect to selecting any candidate or issue presented on the ballot and that I shall thereafter give no information regarding same.

See RSA 659:20.

Any person approved by the moderator may assist a voter, except the voter's employer or union official. Otherwise, the voter may choose the assistant. There is no requirement that the person assisting be a registered voter or be aged 18 or older.

Oath of Office

*Town/City of*_____

I _____ do solemnly and sincerely swear and affirm that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I_____ do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent upon me as (write in POSITION/TITLE*)* _____, *for a term of ____ years, (for temporary election officials: for a term ending upon finalization of this election), according to the best of my abilities, agreeably to the rules and regulations of this Constitution and the Laws of the State of New Hampshire. So help me God.*

(Any person who is scrupulous of swearing may omit the word "swear" and likewise the words, "So help me God," adding instead, "This I do under the pains and penalties of perjury.")

_____
(Election Official/Appointee Signature)

_____
(Date)

_____
Sworn Before: Moderator, Town/City Clerk, Selectman or Justice of the Peace-Signature RSA 42:2

_____
Sworn Before: Print Name

All individuals appointed to fill vacant elected positions serve until the following election, except when the law provides that they serve for the remainder of the vacant term.

Elected ☐ Appointed ☐ (If appointed: Need election official title and signature below)
(Please check one)
Term Expires: ____/____/_____

Phone (_____) _____ - _____W C H (Circle One) Phone (_____) _____ - _____ W C H (Circle One)

Address:_____ Appointed by:_____

_____ Appointed by:_____

Appointed by:_____

E-Mail Address:
_____ Date Appointed:____/____/_____ 2018 v3

Oaths Of Office Basics

WHO NEEDS AN OATH?

RSA 42:1 Oath Required. “Every town officer shall make and subscribe the oath or declaration as prescribed by Part 2, Article 84 of the Constitution of New Hampshire and any such person who violates said oath after taking the same shall be forthwith dismissed from the office involved.”

RSA 658:4 –Oath; Term. Each inspector of election shall be sworn to the faithful performance of his duties and shall hold office for 2 years from August 1 in the year in which he is appointed or until a successor is appointed and qualified.

RSA 669:9 Oaths of Town Officers. – All town officers elected as provided in this chapter shall take an oath of office as provided in RSA 42 before qualifying for office.

RSA 669:10 Term of Office. – I. Except as otherwise provided, the term of office of any officer elected under this chapter shall begin upon his election and qualification for office and shall end upon the election and qualification of his successor.

WHEN MUST AN OATH BE TAKEN?

Each time the position is being filled, whether it is full term, partial term, appointment to elected position or re-election.

WHO MAY ISSUE AN OATH OF OFFICE?

RSA 42:2 Before Whom. – The moderator, town clerk, one of the selectmen or a justice of the peace is authorized to administer the oath required. The person administering the oath signs it as well as the person taking the oath. A term length and/or expiration must be noted. An oath template may be found in SVRS / Help / Instructions.

RSA 42:7 requires that if the oath is taken before someone other than the clerk, one of the selectmen or a justice of the peace, a certificate of the oath taking must be filed with the clerk within 6 days.

RSA 92:5 provides oaths may be administered to town officers in town meeting, by the moderator, or at any time by the town clerk, one of the selectmen, or a justice of the peace; to officers of school districts, in school meeting, by the moderator, or at any time by the clerk, one of the school board of the district, or a justice of the peace; and to the moderator of the district, by any legal voter of the district.

DOES A TOWN CLERK DEPUTY NEED TO BE SWORN IN?

Yes. The deputy town clerk must take the oath of office when appointed. Also, each time the town clerk takes a new oath the deputy also needs to be sworn in. Whether the clerk is new or an incumbent, the deputy needs to take the oath also. RSA 41:18, RSA 92:2.

WHO NEEDS AN OATH FOR ACCESSING SVRS?

Town clerks, deputies, and supervisors of the checklist need to have a *current oath* on file with

the HAVA office. These need to be updated and sent to the HAVA office each time the SVRS user swears to a new term of office or is a new appointee. A good practice would be to send them immediately after an election.

Where Are the Oaths Maintained And Retained?

RSA 42:8 Record. "The town clerk shall make a record of every oath of a town officer taken in open town meeting at the time of the election, and of every such oath taken before him at any other time and place, the import of which record may be that the officer took the oath of office prescribed by law; and he shall record and keep on file every certificate filed with him pursuant to RSA 42:7.

Maintain City/Town Data

Election official's information must also be maintained by the town clerk. This information is required by RSA 654:45VII. "The city and town clerk shall enter, maintain, and keep up to date election official contact information and polling place information as determined by the secretary of state in the statewide centralized voter registration database…" SVRS: Activities / Maintain City/Town Data / Election Officials.

How Long Does One Have Before An Oath Must Be Taken?

RSA 42:3 Swearing in of Officers. – Any person elected to an office where no other person was a candidate on the ballot for that office and no write-in candidate received 5 percent or more of the votes cast for that office, may be sworn in after the results are declared from the election and the annual business meeting has ended or at any time thereafter provided the oath is taken by the deadline established by RSA 42:6.

RSA 669:10 Term of Office. –II. No person shall assume a town office until after the time period for requesting a recount is over. The timeline for requesting a recount is set forth in RSA 669:30. If a recount is requested for a town office, no person shall assume that office until after the recount is completed.

RSA 42:4 Notice to Take. The clerk shall notify persons elected to office of their election and duty to take the oath of office. See RSA 42:4 for alternative means of making notice.
RSA 42:6 Penalty for Neglect to Appear. – "…but <u>in no case later than 30 days</u> after the person's election, to appear before the town clerk and take the oath, shall be guilty of a violation, and any fines shall be appropriated as in RSA 42:5."

<u>Note:</u> Best practice would be any time after the election if RSA 42:3 applies; otherwise, if no recount is requested, as soon as practical after the deadline for requesting a recount has expired.

A person declared elected at the election whose election is affirmed by the recount may take the oath of office and assume office at any time following declaration of the results of the recount. When a different person is declared elected following the recount, if no appeal is taken that person may take the oath of office and assume office on the sixth day following the date of the recount.

If a different person is declared elected following the recount, and an appeal is taken, that person may not assume office until the superior court has issued a final ruling on the appeal.

The person holding the office prior to the election shall continue to hold the office until a successor is declared elected by the superior court and the person declared elected by the court takes the oath of office. RSA 669:34

See RSA 669:34 if the circumstance involves a multi-seat office.

Your town should set a specific date and time when the candidates should appear to take their oath which should be no later than 30 days after the election.

RSA 669:34 Declaration of Results. – I. Upon completion of the recount, the board of recount shall publicly declare the results and certify such declaration to the town clerk. See RSA 669:34, II – VI for further details.

QUALIFIED VOTER AFFIDAVIT

(~~Identity~~, Citizenship, ~~Age~~)

(RSA 654:12) (2024)

Please Print: Date: _____

Full Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Place of Naturalization: _____

Date of Naturalization: _____

Domicile Address: _____

(Street & House (Apt. Number) (Town or City) (Ward) (State) (Zip Code)

Mailing Address (if different) _____

Telephone number (*requested but optional*) _____

Email address (*requested but optional*) _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my ~~identity~~, citizenship, ~~and age~~ and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

_____

Signature of Applicant

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

On the date shown above, before me,_____ appeared _____

(print name of person sworn before as indicated below) (print name of person whose signature is being notarized/witnessed)

[known to me or satisfactorily proven (circle one)] to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving ~~(check all that apply)~~:

~~[ ] Identity~~ [ ] Citizenship ~~[ ] Age~~

_____

(moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, deputy registrar, notary public, or justice of the peace)

~~10/17~~ 5/2026

CHALLENGED VOTER AFFIDAVIT

(RSA 659:27, 28)

I,_____, do solemnly swear (or affirm) under
(Print name of voter)
penalties of voter fraud, that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), and have a legal domicile therein.

My telephone number (*requested but optional*) is_____and my Email address (*requested but optional*) is_____.

_____
(Signature of Voter)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

Check <u>one</u> election:

☐ Town/City Election Date: _____

☐ State Primary Election Date: 09/08/2026

☐ State General Election Date: 11/03/2026

☐ State Special Primary Election Date:_____

☐ State Special General Election Date:_____

the said _____ took and subscribed the above oath before the below-named officer.

_____
(Moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar)

SECRETARY OF STATE
Asserting a Challenge
(RSA 659:27-a)

No challenge may be asserted except in the form of a signed affidavit, under oath administered by an election official, in the following form:

INFORMATION ON THE PERSON MAKING THE CHALLENGE (Please Print):
Name of Person Making the Challenge:

_____
Last Name First Name Middle Name/Initial (Jr., Sr., II, III)

Party affiliation: _____

If person making the challenge is a voter: Physical Address – Street Name & Number:

_____
Street Number Street Name Apt/Unit City/Town Ward Zip Code

If person is a political party or attorney general appointee: **Mailing Address & Phone Number:**

_____ _____
Mailing Address Phone Number

The challenger's qualifications to assert the challenge

_____

INFORMATION ON THE VOTER BEING CHALLENGED:
The person making the challenge shall complete the following:

Name being used by the voter who you wish to challenge (Please Print):

_____
Last Name First Name Middle Name

GROUNDS FOR THE CHALLENGE:
The person making the challenge shall indicate the ground on which the challenge is made
(check all grounds that apply).

____ The person seeking to vote is not the individual whose name he or she has given.
____ The person seeking to vote has already voted in the election at (name the polling place) _____at approximately (state the time if known)_____.
____ The person seeking to vote is disqualified as a voter by conviction of a willful violation of the election laws (state offense, court, and date of conviction) _____.
____ The person seeking to vote is under 18 years of age.
____ The person seeking to vote is not a United States Citizen.
____ The person seeking to vote is not domiciled in the town/ward where he/she is seeking to vote (state person's true domicile – town/city) _____.
____ The person seeking to vote does not reside at the address listed for that person on the checklist.
____ The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration (state the name of the institution person is in)_____.
____ This is a primary and the person seeking to vote in the (state political party name) _____ primary is not a declared member of the party he/she claims to be affiliated with.
____ The person seeking to vote is ineligible to vote pursuant to the following state or federal statute or constitutional provision: _____.

TURN OVER TO CONTINUE ⇨

BASIS FOR THE CHALLENGE: The person making the challenge shall state the specific source of the information or personal knowledge upon which the challenge of the particular individual is based:

_____

_____

_____

OATH: The person making the challenge shall complete the following**:**

I hereby swear and affirm, under the penalties of perjury, that to the best of my knowledge and belief the

information above is true and correct. _____ _____
(Signature of Challenger) (Date)

On the date shown above, before me, _____
(print name of notary public, justice of the peace, election officer)

appeared _____, known to me or satisfactorily proven
(print name of person whose signature is being notarized)
(circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his/her knowledge and belief.

_____ _____
Notary Public / Justice of the Peace / Official Authorized by RSA 659:30 Date

TO BE COMPLETED BY THE MODERATOR RULING ON THE CHALLENGE

If the ground at issue is age, citizenship, domicile, or identity: The supervisors of the checklist have ruled that the challenged voter is **(circle one)**:

____ qualified as a voter ____ not qualified as a voter.

The moderator rules on challenges based on other grounds. The moderator rules that the challenge is **(circle one)**:

____ well grounded ____ not well grounded.

_____
Signature of Moderator or Election Official

2/2025

On August 14, 2018, the United States District Court for the District of New Hampshire held that RSA 659:50, III is unconstitutional. This provision previously required moderators, when processing absentee ballots on Election Day, to compare the signatures on an absentee ballot application and the absentee ballot affidavit envelope in order to determine whether the documents "appear[] to be executed by the same person."

Moderators are therefore prohibited from conducting the signature comparison set forth in RSA 659:50, III for the upcoming September 11, 2018 election and for all future elections. This guidance will remain in effect until such time that the law is amended or our offices othenvise advise.

- Absentee Ballot Application Not Signed
- Absentee Ballot Challenged by Another Voter at the Polls on Election Day
- Absentee Ballot Application and Affidavit had two Different Names
- Absentee Ballot Received after Election Day
- Affidavit on the Absentee Ballot Envelope Not Signed
- Already Voted by Absentee Ballot
- Ballot Missing From Envelope
- Envelope Rec'd Other Than by Mail or Delivery Agent
- Incomplete Absentee Registration Affidavit
- Incomplete Voter Registration Form
- Invalid Signature on Application for Absentee Ballot
- Missing Affidavit
- Multiple Ballots Returned in the Same Envelope
- No Absentee Registration Affidavit Envelope Returned
- No Written Application for Absentee Ballot Submitted
- Not a Registered Voter
- Spoiled Ballot
- Voted in Person
- Voter Indicated They are no Longer Eligible for Absentee Ballot
- Voter is Deceased

"Wrong Ballot" has been removed from this list. If the voter sends in the wrong ballot, for example a ballot printed for a different town/ward, hand count the vote for the offices (same candidates) and questions that appear on the ballot the voter should have received/submitted. To the extent practical, give effect to the intent of the voter. Where the candidates, office, or question on the marked (wrong) ballot do not appear on the correct ballot for your polling place, hand count as an undervote for that office or question.

Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.

Print clearly in blue or black ink, please see back for instructions.

1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name		Suffix (Jr., II)	☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	
Social Security Number		Driver's license or State ID#	

2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address		Apt #	
City, town, village			
County			

Voter Information

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink, please see back for instructions.

Have you already registered and requested an absentee ballot?

Some states allow you to use this form to register and request ballots for future elections. Visit FVAP.gov for more details.

1. Who are you? Pick one.

For absent Uniformed Service members, their families, and citizens residing outside the United States.

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name		Suffix (Jr., II)	☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	
Social Security Number		Driver's license or State ID#	

2. What is your U.S. voting residence address?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address		Apt #	
City, town, village		State	
County		ZIP	

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:		Phone:	
Alternate email:		Fax:	

5. What are your preferences for future elections?

A. Do you want to register and request a ballot for all elections you are eligible to vote in?	☐ Yes ☐ No	B. How do you want to receive voting materials from your election office?	☐ Mail ☐ Email or online ☐ Fax	C. What is your political party for primary elections?	

6. What additional information must you provide?

Alabama requires two witness signatures; Alaska, Virginia and Wisconsin, require one witness signature. Puerto Rico and Vermont need more information, see back for instructions. Additional state guidelines can be found at FVAP.gov.

7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except those authorized to assist voters under State and Federal law.

Sign here X _____ **Today's date** (MM/DD/YYYY)

Official Backup Ballot

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink.

Vote by writing the NAME or PARTY of the candidates you choose. To find out about specific federal candidates and races go to FVAP.gov.

Instructions

- The FWAB is intended to serve as a backup ballot. It can be used to vote for federal offices. Refer to your state or local election official for any special ballot instructions (e.g., instant runoff voting or ranked choice voting).
- State laws vary on the use of the FWAB for state and local contests. Learn more online at FVAP.gov.
- DO NOT write your name or any identifying number (SSN, driver's license) on this ballot.
- If you are voting in American Samoa, Guam, Puerto Rico, or the U.S. Virgin Islands, you may vote for Delegate or Resident Commissioner, and in presidential primaries.
- Photocopy this page if you require additional room for candidates or ballot initiatives.

Federal Offices

President and Vice President	
U.S. Senator	
U. S. Representative, Delegate, or Resident Commissioner to Congress	

Other offices

Office	Candidate name	Political party

Ballot initiatives or other items

PRE-ELECTION CERTIFICATE
2026 STATE GENERAL ELECTION

Part I - Counting Ballots

This is to certify that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted and we find that the total number of OFFICIAL BALLOTS (excluding Absentee Ballots and ballots used to test electronic ballot counting devices) is:

Total :_____

Date:_____ Time:_____ Place:_____ Counted

and that all are for the use of the town or city ward of:_____.

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

Part II - Electronic Ballot Counting Devices

For towns using electronic ballot counting devices, per RSA 656:42, the moderator's and clerk's signatures below certify that on election day "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed."

Ballot Type (circle one):

Electronic Ballot Counting Device Hand Count, No Device

Serial Numbers: _____ _____ _____

_____ _____ _____

_____ _____ _____

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

The Clerk shall forward this copy to the Secretary of State with the election returns pursuant to RSA 659:75

PRE-ELECTION CERTIFICATE
2026 STATE GENERAL ELECTION

Part I - Counting Ballots

This is to certify that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted and we find that the total number of OFFICIAL BALLOTS (excluding Absentee Ballots and ballots used to test electronic ballot counting devices) is:

Total :_____

Date:_____ Time:_____ Place:_____ Counted

and that all are for the use of the town or city ward of:_____.

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

Part II - Electronic Ballot Counting Devices

For towns using electronic ballot counting devices, per RSA 656:42, the moderator's and clerk's signatures below certify that <u>on election day</u> "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed."

Ballot Type (circle one):

Electronic Ballot Counting Device Hand Count, No Device

Serial Numbers: _____ _____ _____

_____ _____ _____

_____ _____ _____

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

(To be retained for the TOWN CLERK'S records)

PRE-ELECTION CERTIFICATE
2026 STATE GENERAL ELECTION

Part I - Counting Ballots

This is to certify that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted and we find that the total number of OFFICIAL BALLOTS (excluding Absentee Ballots and ballots used to test electronic ballot counting devices) is:

Total :_____

Date:_____ Time:_____ Place:_____ Counted

and that all are for the use of the town or city ward of:_____.

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

Part II - Electronic Ballot Counting Devices

For towns using electronic ballot counting devices, per RSA 656:42, the moderator's and clerk's signatures below certify that on election day "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed."

Ballot Type (circle one):

Electronic Ballot Counting Device Hand Count, No Device

Serial Numbers: _____ _____ _____

_____ _____ _____

_____ _____ _____

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

(To be retained for the MODERATOR'S records)

PRE-ELECTION CERTIFICATE
2026 STATE PRIMARY ELECTION

Part I - Counting Ballots

This is to certify that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted and we find that the total number of OFFICIAL BALLOTS (excluding Absentee Ballots and ballots used to test electronic ballot counting devices) is:

Total Democratic:_____ Total Republican:_____

Date:_____ Time:_____ Place:_____ Counted

and that all are for the use of the town or city ward of:_____.

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

Part II - Electronic Ballot Counting Devices

For towns using electronic ballot counting devices, per RSA 656:42, the moderator's and clerk's signatures below certify that on election day "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.

Ballot Type (circle one):

Electronic Ballot Counting Device Hand Count, No Device

Serial Numbers: _____ _____ _____

_____ _____ _____

_____ _____ _____

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

The Clerk shall forward this copy to the Secretary of State with the election returns pursuant to RSA 659:75

PRE-ELECTION CERTIFICATE
2026 STATE PRIMARY ELECTION

Part I - Counting Ballots

This is to certify that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted and we find that the total number of OFFICIAL BALLOTS (excluding Absentee Ballots and ballots used to test electronic ballot counting devices) is:

Total Democratic:_____ Total Republican:_____

Date:_____ Time:_____ Place:_____ Counted

and that all are for the use of the town or city ward of:_____.

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

Part II - Electronic Ballot Counting Devices

For towns using electronic ballot counting devices, per RSA 656:42, the moderator's and clerk's signatures below certify that on election day "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.

Ballot Type (circle one):

Electronic Ballot Counting Device Hand Count, No Device

Serial Numbers: _____ _____ _____

_____ _____ _____

_____ _____ _____

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

(To be retained for the MODERATOR'S records)

PRE-ELECTION CERTIFICATE
2026 STATE PRIMARY ELECTION

Part I - Counting Ballots

This is to certify that in accordance with RSA 658:31-32, the ballots received by the clerk have been examined and counted and we find that the total number of OFFICIAL BALLOTS (excluding Absentee Ballots and ballots used to test electronic ballot counting devices) is:

Total Democratic:_____ Total Republican:_____

Date:_____ Time:_____ Place:_____ Counted

and that all are for the use of the town or city ward of:_____.

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

Part II - Electronic Ballot Counting Devices

For towns using electronic ballot counting devices, per RSA 656:42, the moderator's and clerk's signatures below certify that on election day "prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. Additionally, that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.

Ballot Type (circle one):

Electronic Ballot Counting Device Hand Count, No Device

Serial Numbers: _____ _____ _____

_____ _____ _____

_____ _____ _____

Attest: **Moderator:** _____ **Date:**_____

Clerk: _____ **Date:**_____

(To be retained for the TOWN CLERK'S records)

Order of Names on Ballots pursuant to RSA 656:5-a
(Effective from June 26, 2026 through March 2028)

# of Candidates	# drawn for start of rotation of names	
2	2	
3	3	See sample below
4	3	
5	3	
6	4	
7	1	
8	4	
9	1	
10	3	See sample below
11	4	
12	10	
13	3	
14	14	
15	9	
16	6	
17	7	
18	17	
19	14	
20	6	

EXAMPLES: *If you have 3 candidates for an office, place your candidates in alphabetical order by surname:*

1) Martha Jones
2) Larry Smith
3) John Zorro

Since the number 3 was drawn for 3 filed candidates, they would be listed on the ballot with the third candidate listed first.

3) John Zorro
1) Martha Jones
2) Larry Smith

If you have 10 candidates for an office, place your candidates in alphabetical order by surname.

Order of Names on Ballot

1) Jane Adams	3) John Curtis
2) Bruce Brown	4) Adam Dean
3) John Curtis	5) Frank French
4) Adam Dean	6) Candy Lozenge
5) Frank French	7) Susan North
6) Candy Lozenge	8) Joseph Smith
7) Susan North	9) Jean Thompson
8) Joseph Smith	10) John Zorro
9) Jean Thompson	1) Jane Adams
10) John Zorro	2) Bruce Brown

POST-ELECTION CERTIFICATE
2026 STATE GENERAL ELECTION

Moderators are required to submit this Post-Election Certificate to their town or ward clerks within 48 hours of the closing of the polls (RSA 659:73). Completing this record on election night as part of reconciliation will help ensure the results you announce are accurate. It is the moderator's job to ensure that votes are accurately counted (RSA 659:60). The Secretary of State's office requests that a copy of this completed Post-Election Certificate be sent to our office with the Return of Votes form on election night.

Town or City:_____ Ward:_____ County:_____

Moderator:_____ Clerk:_____

Part I - Reconciliation

Compare the Sum of all Votes, and the Voter Participation/Voters Checking-In, to the Ballots Cast (from A, B, and C in PART II)

These three numbers below should all be equivalent. Differences may indicate a tallying error. Consider the size of any difference in light of the closest outcome, race, or question. Either do further work to resolve/reduce differences or finalize the results knowing the differences exist. Announce the differences when announcing the results. This allows those considering requesting a recount to know about what differences exist.

A	SUM OF ALL VOTES	
B	VOTER PARTICIPATION	
C	BALLOTS CAST	

Part II

A SUM OF ALL VOTES*

Pick two races and one question in which the most voters typically vote. For each race/question, add the number of votes, plus the number of write-in votes, plus the number of undervotes, plus the number of overvotes. The sum of all votes for each "vote for not more than 1" race/question should be equivalent. Significant differences may indicate a tallying error and further work is needed. Enter the sum of all votes for one of the races selected in the box to the right.

Race selected:_____

B VOTER PARTICIPATION

Enter the number of voters marked as having voted on the checklist. Alternatively, if an electronic poll book is used, add the total number of voters checked-in from the poll pad's report plus a hand count of voters added to the paper checklist instead of checking-in with the electronic poll book.

TURN OVER – COMPLETE BACK OF FORM

C BALLOTS CAST - RSA 659: 73 - A comparison of the different methods of tallying ballots cast

C.1 BALLOTS CAST (INVENTORY METHOD)

Number of Official Election Day Ballots, excluding test ballots (from Moderator's Pre-Election Certificate)

SUBTRACT Spoiled (cancelled) Official Election Day Ballots -

SUBTRACT Uncast (not used) Official Election Day Ballots -

ADD Photocopied CAST as Official Election Day Ballots +

ADD Absentee Ballots CAST as Official Election Day Ballots +

Total Ballots Cast by ELECTION DAY voters

+

Total Absentee Ballots Cast which were counted. Use the SVRS "Absentee Ballot List," the report of absentee voter applicants (including UOCAVA voters). Start with the SVRS "Grand Total Count" of absentee ballots in the "Date Envelope Returned" column on the last page of the "Absentee Ballot List," PLUS absentee ballots received on election day by US Mail or by delivery agent to the clerk, for which the clerk must hand write the date of the election as the "Date Envelope Returned" on the "Absentee Ballot List," PLUS any curbside absentee ballots cast, for which the clerk must hand write the voter's name, address, party, Voter ID number, and the date of the election as the dates "Requested," "Mailed," and "Returned" on the "Absentee Ballot List," MINUS rejected absentee ballots, for which the moderator must note on the "Absentee Ballot List" "rejected" and the reason for the rejection.

Total Number of Ballots Cast (Using Inventory) =
(Total Election Day Ballots Cast **Plus** Absentee Ballots Cast)

C.2 BALLOTS CAST (COUNT METHOD)

FULL HAND COUNT of all ballots cast
Count of all Official, Absentee and UOCAVA ballots cast

Or

ELECTRONIC BALLOT COUNTING DEVICE COUNT PLUS HAND COUNT
Number of Ballots cast into the Electronic Ballot Counting Device (quantity from the device tape or report)

ADD Number of cast ballots that were NOT counted by the device (number of ballots from the hand count bin) +

Total Number of Ballots Cast (Count Method) =

The totals for ballots cast in C.1 and C.2 above should be equivalent. Significant differences may indicate a tallying error and further work is needed. If the totals are different but one matches the totals from A or B above, it is more likely the accurate number. Enter the most accurate number, C.1 or C.2, in the box to the right and in box "C Ballots Cast" above.

Attest: _____ **Date:** _____
Signature of Moderator

* See guidance and related on demand webinar addressing possible issues.

The Clerk shall forward this copy to the Secretary of State with the election returns pursuant to RSA 659:75

POST-ELECTION CERTIFICATE
2026 STATE GENERAL ELECTION

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Moderator:_____ Clerk:_____

Part I - Reconciliation

Compare the Sum of all Votes, and the Voter Participation/Voters Checking-In, to the Ballots Cast (from A, B, and C in PART II)

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B VOTER PARTICIPATION

Enter the number of voters marked as having voted on the checklist. Alternatively, if an electronic poll book is used, add the total number of voters checked-in from the poll pad's report plus a hand count of voters added to the paper checklist instead of checking-in with the electronic poll book.

TURN OVER – COMPLETE BACK OF FORM

C BALLOTS CAST - RSA 659: 73 - A comparison of the different methods of tallying ballots cast

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ADD Photocopied CAST as Official Election Day Ballots + _____

ADD Absentee Ballots CAST as Official Election Day Ballots + _____

Total Ballots Cast by ELECTION DAY voters _____

\+

Total Absentee Ballots Cast which were counted. Use the SVRS "Absentee Ballot List," the report of absentee voter applicants (including UOCAVA voters). Start with the SVRS "Grand Total Count" of absentee ballots in the "Date Envelope Returned" column on the last page of the "Absentee Ballot List," PLUS absentee ballots received on election day by US Mail or by delivery agent to the clerk, for which the clerk must hand write the date of the election as the "Date Envelope Returned" on the "Absentee Ballot List," PLUS any curbside absentee ballots cast, for which the clerk must hand write the voter's name, address, party, Voter ID number, and the date of the election as the dates "Requested," "Mailed," and "Returned" on the "Absentee Ballot List," MINUS rejected absentee ballots, for which the moderator must note on the "Absentee Ballot List" "rejected" and the reason for the rejection. _____

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(Total Election Day Ballots Cast **Plus** Absentee Ballots Cast)

C.2 BALLOTS CAST (COUNT METHOD)

FULL HAND COUNT of all ballots cast
Count of all Official, Absentee and UOCAVA ballots cast _____

Or

ELECTRONIC BALLOT COUNTING DEVICE COUNT PLUS HAND COUNT
Number of Ballots cast into the Electronic Ballot Counting Device (quantity from the device tape or report) _____

ADD Number of cast ballots that were NOT counted by the device (number of ballots from the hand count bin) + _____

Total Number of Ballots Cast (Count Method) = _____

The totals for ballots cast in C.1 and C.2 above should be equivalent. Significant differences may indicate a tallying error and further work is needed. If the totals are different but one matches the totals from A or B above, it is more likely the accurate number. Enter the most accurate number, C.1 or C.2, in the box to the right and in box "C Ballots Cast" above. _____

Attest: _____ **Date:** _____
Signature of Moderator

* See guidance and related on demand webinar addressing possible issues.

(To be retained for the TOWN CLERK'S records)

POST-ELECTION CERTIFICATE
2026 STATE GENERAL ELECTION

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Town or City:_____ Ward:_____ County:_____

Moderator:_____ Clerk:_____

Part I - Reconciliation

Compare the Sum of all Votes, and the Voter Participation/Voters Checking-In, to the Ballots Cast (from A, B, and C in PART II)

These three numbers below should all be equivalent. Differences may indicate a tallying error. Consider the size of any difference in light of the closest outcome, race, or question. Either do further work to resolve/reduce differences or finalize the results knowing the differences exist. Announce the differences when announcing the results. This allows those considering requesting a recount to know about what differences exist.

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B	VOTER PARTICIPATION	
C	BALLOTS CAST	

Part II

A SUM OF ALL VOTES*

Pick two races and one question in which the most voters typically vote. For each race/question, add the number of votes, plus the number of write-in votes, plus the number of undervotes, plus the number of overvotes. The sum of all votes for each "vote for not more than 1" race/question should be equivalent. Significant differences may indicate a tallying error and further work is needed. Enter the sum of all votes for one of the races selected in the box to the right.

Race selected:_____

B VOTER PARTICIPATION

Enter the number of voters marked as having voted on the checklist. Alternatively, if an electronic poll book is used, add the total number of voters checked-in from the poll pad's report plus a hand count of voters added to the paper checklist instead of checking-in with the electronic poll book.

TURN OVER – COMPLETE BACK OF FORM

C BALLOTS CAST - RSA 659: 73 - A comparison of the different methods of tallying ballots cast

C.1 BALLOTS CAST (INVENTORY METHOD)

Number of Official Election Day Ballots, excluding test ballots (from Moderator's Pre-Election Certificate)		_____
SUBTRACT Spoiled (cancelled) Official Election Day Ballots	-	_____
SUBTRACT Uncast (not used) Official Election Day Ballots	-	_____
ADD Photocopied CAST as Official Election Day Ballots	+	_____
ADD Absentee Ballots CAST as Official Election Day Ballots	+	_____
Total Ballots Cast by ELECTION DAY voters		
	+	
Total Absentee Ballots Cast which were counted. Use the SVRS "Absentee Ballot List," the report of absentee voter applicants (including UOCAVA voters). Start with the SVRS "Grand Total Count" of absentee ballots in the "Date Envelope Returned" column on the last page of the "Absentee Ballot List," PLUS absentee ballots received on election day by US Mail or by delivery agent to the clerk, for which the clerk must hand write the date of the election as the "Date Envelope Returned" on the "Absentee Ballot List," PLUS any curbside absentee ballots cast, for which the clerk must hand write the voter's name, address, party, Voter ID number, and the date of the election as the dates "Requested," "Mailed," and "Returned" on the "Absentee Ballot List," MINUS rejected absentee ballots, for which the moderator must note on the "Absentee Ballot List" "rejected" and the reason for the rejection.		
Total Number of Ballots Cast (Using Inventory) (Total Election Day Ballots Cast **Plus** Absentee Ballots Cast)	=	

C.2 BALLOTS CAST (COUNT METHOD)

FULL HAND COUNT of all ballots cast
Count of all Official, Absentee and UOCAVA ballots cast

Or

ELECTRONIC BALLOT COUNTING DEVICE COUNT PLUS HAND COUNT

Number of Ballots cast into the Electronic Ballot Counting Device (quantity from the device tape or report)		_____
ADD Number of cast ballots that were NOT counted by the device (number of ballots from the hand count bin)	+	_____
Total Number of Ballots Cast (Count Method)	=	

The totals for ballots cast in C.1 and C.2 above should be equivalent. Significant differences may indicate a tallying error and further work is needed. If the totals are different but one matches the totals from A or B above, it is more likely the accurate number. Enter the most accurate number, C.1 or C.2, in the box to the right and in box "C Ballots Cast" above.

Attest: _____ **Date:** _____

Signature of Moderator

* See guidance and related on demand webinar addressing possible issues.

(To be retained for the MODERATOR'S records)

POST-ELECTION CERTIFICATE
2026 STATE PRIMARY ELECTION

_____ Party Primary

(Democratic or Republican)

Moderators are required to submit this Post-Election Certificate to their town or ward clerks within 48 hours of the closing of the polls (RSA 659:73). Completing this record on election night as part of reconciliation will help ensure the results you announce are accurate. It is the moderator's job to ensure that votes are accurately counted (RSA 659:60). The Secretary of State's office requests that a copy of this completed Post-Election Certificate be sent to our office with the Return of Votes form on election night." **Complete one form per party.**

Town or City:_____ Ward:_____ County:_____

Moderator:_____ Clerk:_____

Part I - Reconciliation

Compare the Sum of all Votes, and the Voter Participation/Voters Checking-In, to the Ballots Cast (from A, B, and C in PART II)

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A	SUM OF ALL VOTES	
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Part II

A SUM OF ALL VOTES*

Pick two races and one question in which the most voters typically vote. For each race/question, add the number of votes, plus the number of write-in votes, plus the number of undervotes, plus the number of overvotes. The sum of all votes for each "vote for not more than 1" race/question should be equivalent. Significant differences may indicate a tallying error and further work is needed. Enter the sum of all votes for one of the races selected in the box to the right.

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TURN OVER – COMPLETE BACK OF FORM

C BALLOTS CAST - RSA 659: 73 - A comparison of the different methods of tallying ballots cast

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ADD Absentee Ballots CAST as Official Election Day Ballots + _____

Total Ballots Cast by ELECTION DAY voters | |

+

Total Absentee Ballots Cast which were counted. Use the SVRS "Absentee Ballot List," the report of absentee voter applicants (including UOCAVA voters). Start with the SVRS "Grand Total Count" of absentee ballots in the "Date Envelope Returned" column on the last page of the "Absentee Ballot List," PLUS absentee ballots received on election day by US Mail or by delivery agent to the Clerk, for which the clerk must hand write the date of the election as the "Date Envelope Returned" on the "Absentee Ballot List," PLUS any curbside absentee ballots cast, for which the clerk must hand write the voter's name, address, party, Voter ID number, and the date of the election as the dates "Requested," "Mailed," and "Returned" on the "Absentee Ballot List," MINUS rejected absentee ballots, for which the moderator must note on the "Absentee Ballot List" "rejected" and the reason for the rejection. | |

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FULL HAND COUNT of all ballots cast
Count of all Official, Absentee and UOCAVA ballots cast | |

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Total Number of Ballots Cast (Count Method) = | |

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Attest: _____ **Date:** _____

Signature of Moderator

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The Clerk shall forward this copy to the Secretary of State with the election returns pursuant to RSA 659:75

POST-ELECTION CERTIFICATE
2026 STATE PRIMARY ELECTION

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Town or City:_____ Ward:_____ County:_____

Moderator:_____ Clerk:_____

Part I - Reconciliation

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Pick two races and one question in which the most voters typically vote. For each race/question, add the number of votes, plus the number of write-in votes, plus the number of undervotes, plus the number of overvotes. The sum of all votes for each "vote for not more than 1" race/question should be equivalent. Significant differences may indicate a tallying error and further work is needed. Enter the sum of all votes for one of the races selected in the box to the right.

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TURN OVER – COMPLETE BACK OF FORM

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ADD Absentee Ballots CAST as Official Election Day Ballots + _____

Total Ballots Cast by ELECTION DAY voters _____

\+

Total Absentee Ballots Cast which were counted. Use the SVRS "Absentee Ballot List," the report of absentee voter applicants (including UOCAVA voters). Start with the SVRS "Grand Total Count" of absentee ballots in the "Date Envelope Returned" column on the last page of the "Absentee Ballot List," PLUS absentee ballots received on election day by US Mail or by delivery agent to the Clerk, for which the clerk must hand write the date of the election as the "Date Envelope Returned" on the "Absentee Ballot List," PLUS any curbside absentee ballots cast, for which the clerk must hand write the voter's name, address, party, Voter ID number, and the date of the election as the dates "Requested," "Mailed," and "Returned" on the "Absentee Ballot List," MINUS rejected absentee ballots, for which the moderator must note on the "Absentee Ballot List" "rejected" and the reason for the rejection. _____

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2026 STATE PRIMARY ELECTION

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Total Ballots Cast by ELECTION DAY voters _____

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Total Absentee Ballots Cast which were counted. Use the SVRS "Absentee Ballot List," the report of absentee voter applicants (including UOCAVA voters). Start with the SVRS "Grand Total Count" of absentee ballots in the "Date Envelope Returned" column on the last page of the "Absentee Ballot List," PLUS absentee ballots received on election day by US Mail or by delivery agent to the Clerk, for which the clerk must hand write the date of the election as the "Date Envelope Returned" on the "Absentee Ballot List," PLUS any curbside absentee ballots cast, for which the clerk must hand write the voter's name, address, party, Voter ID number, and the date of the election as the dates "Requested," "Mailed," and "Returned" on the "Absentee Ballot List," MINUS rejected absentee ballots, for which the moderator must note on the "Absentee Ballot List" "rejected" and the reason for the rejection. _____

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Attest: _____ **Date:** _____

Signature of Moderator

* See guidance and related on demand webinar addressing possible issues.

(To be retained for the MODERATORS records)

State of New Hampshire
2026 State Primary Election

Names on Checklist
RSA 659:73

Follow these STEPS	**DEM**		**REP**		**UND**		**TOTAL**
1) Enter the number of registered voters by party affiliation from the last page of the checklist at the opening of the polls.		+		+		=	
	+		+		+		
2) Enter the number of residents who registered to vote at the polling place by party affiliation.		+		+		=	
	+		+		-		
3) Enter the number of Undeclared voters who cast a ballot for each party: (Count from the checklist.) UND Column should equal the total of the REP & DEM column in this line (3)		+		=			
	-		-		+		
4) Enter the number of Undeclared voters that returned back to Undeclared from each party. (From Returned to Undeclared for Primary list and/or forms with voter signatures.) UND Column should equal the total of the REP & DEM column in this line (4)		+		=			
	=		=		=		
5) TOTAL number of voters at the end of the election by party affiliation.		+		+		=	

6) Apply + , - , and = signs to numbers you have entered to complete each equation in each row and column.

Contact the Help Desk at (603) 271-8241 for help with this form.

Town or City: _____ **Ward:** _____ **County:** _____

Attest: _____ **Date:** _____

Signature of Town/Ward Moderator

Return to the Secretary of State no later than 5 p.m. on September 10, 2026

Return with Return of Votes, email to elections@sos.nh.gov, or fax to (603) 271-6316

State of New Hampshire
2026 State General Election

Names on Checklist
RSA 659:73

Follow these STEPS

	DEM		REP		UND		TOTAL
1) Enter the number of registered voters by party affiliation from the last page of the checklist at the opening of the polls.		+		+		=	
	+		+		+		
2) Enter the number of residents who registered to vote at the polling place by party affiliation.		+		+		=	
	=		=		=		
3) TOTAL number of voters at the end of the election by party affiliation.		+		+		=	

4) Apply + , - , and = signs to numbers you have entered to complete each equation in each row and column.

Contact the Help Desk at (603) 271-8241 for help with this form.

Town or City: _____ Ward: _____ County: _____

Attest: _____ Date: _____

Signature of Town/Ward Moderator

Return to the Secretary of State no later than 5 p.m. on November 5, 2026

Return with Return of Votes, email to elections@sos.nh.gov, or fax to (603) 271-6316

This Package Contains

NUMBER OF _____ CAST BALLOTS
NUMBER OF _____ CANCELLED BALLOTS
NUMBER OF _____ UNCAST BALLOTS

❑ All absentee ballot applications and envelopes are enclosed in this ballot box – including all challenged and rejected absentee ballots still contained in their envelopes.
RSA 659;53, 657:15, 23, 26

BOX_____OF_____.

Enclosed are the ballots from the state election held in the town of

_____

(or, ward_____in the city of_____ held on the_____day of,_____,20_____ required by the law to be preserved.

_____
Moderator or Designee

_____
Selectman or Designee

_____
Selectman or Designee

_____
Selectman or Designee

_____
Selectman or Designee

_____
Selectman or Designee

RECEIVED_____
(date)

at_____
(minute of the day and the hour)

_____
TOWN CLERK or CITY CLERK or Designee

(New Hampshire RSA sections 659:95, 98.)

Town/City_____

Ward _____

County_____

SECRETARY OF STATE
STATE OF NEW HAMPSHIRE
CONCORD

Election Returns
Due to the Secretary of State

The following returns are due no later than 8:00 a.m. on the day following the state election:
Enclosed:

- ☐ Return of Votes
- ☐ Pre-Election Certificate
- ☐ Results Report(s) / Long Tape(s) (if applicable)

Additional returns due within 48 hours of polls closing, but are contained in this envelope:
Check off if Enclosed:

- ☐ Post-Election Certificate
- ☐ Names on Checklist

	Retained by	Period of Retention
Elections		
Federal or state elections: ballots, absentee ballot applications, affidavit envelopes, lists, Challenged Voter Affidavits (only used with Asserting a Challenge form),** and programmed tabulator memory sticks	City or Town Clerk (Unless requested by the Secretary of State – RSA 659:99)	until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer
Local elections: ballots, absentee ballot applications, affidavit envelopes, lists, and programmed tabulator memory sticks	City or Town Clerk (Unless requested by the Secretary of State – RSA 659:99)	until the contest is settled and all appeals have expired or at least 60 days after the election, whichever is longer
Local elections: Challenged Voter Affidavits (only used with Asserting a Challenge form)**	City or Town Clerk (Unless requested by the Secretary of State – RSA 659:99)	until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer
Checklist		
Marked copy	by the town clerk	7 years
Voter Registration		
Forms, including the Voter Registration Form and absentee voter registration forms	by town/city clerk securely in a municipal office *	until voter is removed from checklist plus 7 years
Same day, returned to undeclared status, form and report from statewide centralized voter registration database	by the town/city clerk securely in a municipal office *	until voter is removed from checklist plus 7 years
Party change form	by the town/city clerk securely in a municipal office *	until voter is removed from checklist plus 7 years
Forms, rejected, including absentee voter registration forms, and denial notifications	by the town/city clerk securely in a municipal office *	7 years
Qualified Voter Affidavit (citizenship only)	by the town/city clerk securely in a municipal office *	until voter is removed from checklist plus 7 years
Overseas absentee registration affidavit	by the town/city clerk securely in a municipal office *	until voter is removed from checklist plus 7 years

Absentee ballot voter application form in the federal post card application format, for voters not previously on the checklist	by the town/city clerk securely in a municipal office *	until voter is removed from checklist plus 7 years
Absentee ballot affidavit envelope for federal post card applicants not previously on the checklist	by the town/city clerk securely in a municipal office	until voter is removed from checklist plus 7 years
Notice of removal, 30-day notice	by the town/city clerk securely in a municipal office	until voter is removed from checklist plus 7 years
Report of death	by the town/city clerk securely in a municipal office	until voter is removed from checklist plus 7 years
Report of transfer	by the town/city clerk securely in a municipal office	until voter is removed from checklist plus 7 years
Undeliverable mail or change of address notice from the United States Postal Service (including NCOA list in SVRS)	by the town/city clerk securely in a municipal office	until voter is removed from checklist plus 7 years

*Must be available to both clerk and supervisors of the checklist. RSA 654:13-a.
Challenged Voter Affidavits are only to be used for voters who are challenged. They are **NOT used for voters without photo identification.

Right to Checklist and SVRS Information

	Current "Public Checklist"	Marked Checklist from Prior Election	**EHAV – checklist information**	EHAV- DFE (electronic file)
Public	Yes - $25 fee up to 2500 names & $0.50 per additional 1000 RSA 654:31	**Yes – per page copying fee**	No	No
Public - Electronic Copy	Electronic searchable format, one free copy per election - OK to send by email	Yes - cost of electronic storage media, no fee if PDF is emailed	No	No
State Political Party	Yes - $25 fee up to 2500 names & $0.50 per additional 1000	Yes - per page copying fee	Yes, SOS RSA 654:31, IV. History = state and local elections for 2 years.	Yes, SOS RSA 654:31, IV. History = state and local elections for 2 years.
Candidate who has filed for state office	Yes - $25 fee up to 2500 names & $0.50 per additional 1000	Yes - per page copying fee	Yes, SOS RSA 654:31, IV. History = state and local elections for 2 years. Statewide or just District.	Yes, SOS RSA 654:31, IV. History = state and local elections for 2 years. Statewide or just District.
Candidate who has filed for municipal office	Yes - $25 fee up to 2500 names & $0.50 per additional 1000	Yes - per page copying fee	No.	No.
Political Committee registered with SOS under RSA Chapter 664	Yes - $25 fee up to 2500 names & $0.50 per additional 1000	Yes - per page copying fee	Yes, SOS RSA 654:31, IV. History = state and local elections for 2 years.	Yes, SOS RSA 654:31, IV. History = state and local elections for 2 years.

RECOUNT PROCEDURES CHART

Type of Election	**Petitions**	**To Whom and How Initiated**	**Application Deadline**	**Fees Minimum * (Fees increase as the vote difference between the applying candidate and candidate declared winner increases. RSA 660:2)**	**Who Shall Conduct**
State General Election RSA 660:1-6 State Primary Election – Same RSA 660:7 – 9.	None Required	Secretary of State; Apply in Writing; In the general election, the difference between votes cast for the applying candidate and the candidate declared elected must be less than 20% of total ballots cast in the towns which comprise the office to be recounted. RSA 660:1. In the state primary election, the difference between votes cast for the applying candidate and the candidate declared nominated must be less than 10 votes or less than 1.5 % of the total ballots cast in the primary for that party in the towns which comprise the office to be recounted. RSA 660:7. If the difference in votes between candidate and winner is greater than 3%, candidate must pay the full expense of the recount. RSA 660:2, IV.	No later than the Friday ** following the State Primary Election and the Friday following the General Election	When the difference is less than 1 percent of the total ballots cast in the towns which comprise the office to be recounted, fees are, by office: Governor $500 U.S. Senator $500 U.S. Representative $250 Exec. Councilor $100 State Senator $50 County Officer $50 State Representative $10	Secretary of State
City Election	Consult City Charter				
Annual Town Meeting RSA 669:30-32.	None Required	Town Clerk; Apply in Writing	No later than the Friday following the election	Vote difference between winner and candidate requesting is, as a percent of the total ballots cast: Less than 1% $10 Between 1 and 2% $20	Board of Recount (Clerk, Moderator, Selectmen) RSA 669:32.

Type of Election	Petitions	To Whom and How Initiated	Application Deadline	Fees Minimum * (Fees increase as the vote difference between the applying candidate and candidate declared winner increases. RSA 660:2)	Who Shall Conduct
				Between 2 and 3% $40 Greater than 3% $40 plus, any additional costs of recount	
Annual or Special Meeting –Any Referendum Question RSA 40:4-c	10 legal voters	Town Clerk; Apply in Writing	Within 7 days of meeting	$10	Board of Recount (Clerk, Moderator, Selectmen)
School Districts – Officers by Official Ballot RSA 671:32	Not Required	School District Clerk; Apply in Writing	No later than the Friday following the election	Vote difference between winner and candidate requesting is, as a percent of the total votes cast: Less than 1% $10 Between 1 and 2% $20 Between 2 and 3% $40 Greater than 3% $40 plus, any additional costs of recount	Board of Recount (School District Moderator, Clerk, School Board)
Constitutional Amendments RSA 660:10; RSA 660:11	100 voters if question passes or fails by 1%; no provision for recount if question passes or fails more than 1%	Secretary of State by petition	No later than the 4th Friday following the election.	None	Secretary of State
County Referendum RSA 660:12	50 voters of the county	Secretary of State by petition	No later than the 2nd Friday	$25 paid by person by whom petition is submitted	Secretary of State

Type of Election	Petitions	To Whom and How Initiated	Application Deadline	Fees Minimum * (Fees increase as the vote difference between the applying candidate and candidate declared winner increases. RSA 660:2)	Who Shall Conduct
			following election		
Local Questions on state ballot. (Sweepstakes, Liquor, etc.) RSA 660:13 – 15.	5 voters of city or town	Secretary of State by petition	No later than the 2nd Friday following the election	$10 per 1000 votes, not to exceed $50.	Secretary of State

* Fees increase as vote difference between the applying candidate and candidate declared winner increases. RSA 660:2

** A candidate who has requested a recount after a primary may withdraw the request on the Monday after the primary. RSA 660:7

Sort-and-Stack Method

This is a model describing how some moderators have chosen to count ballots. State law authorizes the moderator to choose the system of hand counting to be used and to supervise the counting. RSA 659:60. This model is presented as one example of an acceptable practice, however, neither state law nor the Secretary of State require that any particular system of counting be used. Moderators must ensure that the system of counting they adopt is accurate and efficient.

The Secretary of State relies upon a variation of the sort-and-stack hand counting method below for recounting simple races, based on observation and performance in recounting well over 1 million ballots.

This sort-and-stack method is considered the most accurate and easy method by the counters themselves, since each mark is often reviewed more times than other methods, staff requirements are less, and mistakes are easier to notice and avoid. The sort-and-stack method is not used by the Secretary of State in recounts for races with multiple winners. However, this process has been used effectively by some towns to count multi-member representative races.

Overview of Sort and Stack Method

- Ballots are sorted into piles before they are counted
- One pile for identical votes in that race
  - Each candidate or alternative on a question
  - Overvotes (When the voter selects more choices than allowed in a contest, the number of choices the voter has sacrificed in this race). Overvotes for each race/question must now be reported on the Return of Votes.
  - Undervotes (skipped choices) Undervotes for each race/question must now be reported on the Return of Votes.
  - Write-ins
  - Judgment calls for the moderator and election team

Using the Method

- Counters and observers are looking at only one candidate or question on the ballot at a time;
- Counters' and observers' eyes do not have to move to different locations on the ballot and on the tally sheet;
- When looking for only one mark on one precise location on the ballot, it is harder to make mistakes.

Rule of Thumb: Each Ballot Checked Three Times

- Aim for eyes checking each ballot choice three times;
- Using a two-person team, that might mean that the two members sort ballots simultaneously into the same piles and each looks at the ballot choices as he or she counts each stack;
- The 2 members count each pile independently and record and check the sum on the tally sheet.

Distributing Ballots to Teams

- Open the ballot box in view of the public.

- Moderators place an established quantity of ballots - say 200 – on each table assigned to a counting team;
- The 2 team members count the ballots in batches of 50;
- If it becomes necessary to redo a particular part of the process because the results do not equal the number of ballots, counters will take less time to recount 50.

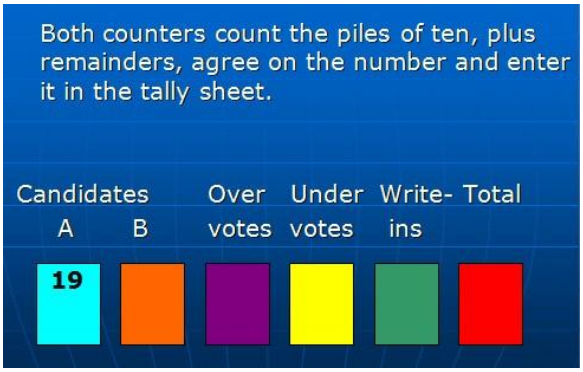


Start Counting Ballots

- Team members must look at each ballot as they place it into the correct pile;
- Once the table has the first 50 ballots assigned to it, sorted into these six piles, start the counting process with the pile of ballots for the first candidate on the ballot.

Counting Ballots

- One team member counts the ballots in the first candidate's pile into groups of ten;
- The member stacks each group of ten ballots and the remainder at right angles to each other on the same pile, allowing an easy count by "tens" for the entire stack;
- The second team member counts the same pile independently;
- The 2 members resolve any "Questions" by calling the moderator to determine voter intent.
- Both counters independently count each pile, agree on the number for each candidate, and enter it in the tally sheet.



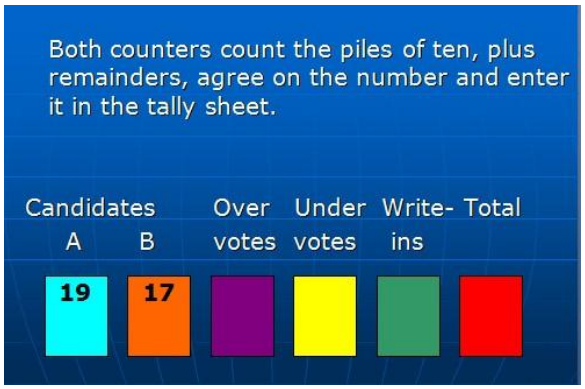
- Any discrepancies discovered along the way are mostly resolved by checking the last 10 ballots, rather than a larger number that would take some time to backtrack for resolution.

Next Candidate, Same Contest

- When finished with the first candidate, members begin counting the next candidate in the same contest;
- Each of the piles is independently counted by the 2 team members, with each

looking at the mark on each ballot;

- Team members agree on the number to enter on the tally sheet.

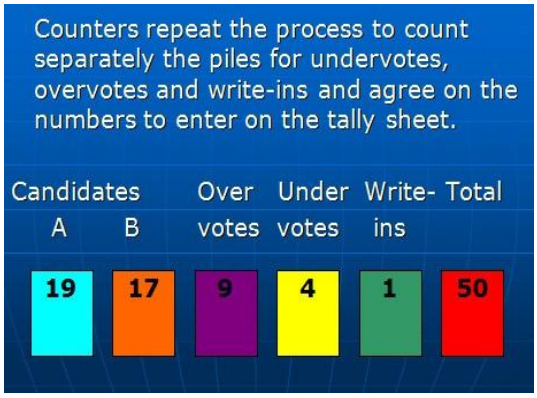


Same contest – 3rd candidate

- If there is another candidate in that contest, each team member counts the pile for that candidate, and they agree on the number to enter on the tally sheet.

Same Contest, Counting the Piles of Undervotes and Overvotes

- Counters independently count the piles for undervotes and overvotes and agree on the numbers to enter on the tally sheet.
- The team must add the votes for each candidate, write-ins, and the number of undervotes (skipped choices) and overvotes (sacrificed choices when the voter votes more choices than allowed) in that contest.
- Enter the total in the far-right column of each row. It should equal 50, the batch size the team began with in this step.



Keeping Track of Stacks

- When the count for the batch of 50 ballots is complete, contain the batch with an elastic to identify it has been counted.

Tallying

- Tally sheets should be turned in - after the numbers equal 50 on the far right, and the aggregate of votes equals 200 on the bottom right;
- This number, e.g. 200 ballots, should match the number of ballots that the table started with;
- Tally sheets should be signed by the 2 team members before being turned in;
- The moderator should designate someone who routinely works with figures to

ensure ongoing reconciliation by each table.

Tally Sheet – single contest

	Candidate A	Candidate B	Candidate C	Undervotes	Overvotes	Write-ins	TOTAL
1st group of 50 ballots	19	17	9	4	1	0	50
2nd group of 50 ballots	17	22	8	3	0	0	50
3rd group of 50 ballots	16	18	11	3	1	1	50
4th group of 50 ballots	18	20	9	2	0	1	50
TOTALS	70	77	37	12	2	2	200

COUNTING INSTRUCTIONS – MODEL 2

ALL OFFICES READ-AND-MARK (BALLOT-BY-BALLOT) METHOD

This is a model describing how some moderators have chosen to count ballots. State law authorizes the moderator to choose the system of hand counting to be used and to supervise the counting. RSA 659:60. This model is presented as one example of an acceptable practice, however, neither state law nor the Secretary of State require that any particular system of counting be used. Moderators must ensure that the system of counting they adopt is accurate and efficient.

Step #1 – Close the Polls.

Step #2 – Verify that all absentee ballots have been processed.

Step #3 – Rearrange the polling place for counting. Counting tables must be at least 4 feet from the rail. All counting, however, must occur where it is visible to members of the public located outside the rail. Challengers must be able to see and hear the hand-counting of ballots and to maintain a line of sight on any electronic ballot counting device. RSA 666:5-a.

Step #4 – Have the supervisors count the number of registered voters (including those who registered on election day) who are checked off as having voted on the checklist.

Step #5 – Identify all the people who will be counting. Identify those people who will be counting who are not election officials and who have not taken an oath of office.

Step #6 – Swear in these non-election officials as election officials (inspectors of election pro tempore). RSA 658:7 gives the moderator authority to appoint such election officials as he or she deems necessary. As election officials, the volunteer ballot counters are swearing or affirming that they will perform their duties lawfully and they become subject to criminal prosecution for official misconduct pursuant to RSA 666:3.

Step #7 – Read the instructions for counting to all the election officials who will be counting.

Step # 8 – Open the ballot box(es) in view of the public. Place similar quantities of ballots on the table to be used by each counting team.

Step #- 9 – Have the counting teams count the ballots into piles of a known size (10, 25, 50 or 100 ballots).

Step #10 – Wrap each pile with a rubber band, clip it with a large binder clip, or stack them crosswise.

Step #11 – Prepare a tally sheet. (Tally sheets should be prepared ahead of time.) The sheet should be organized in the same order as the ballot, with sections for each office or question and the name of each candidate listed in the same order as they are listed on the ballot. There should be a space following each name/question for one of the counters to put a hash mark for each vote for that candidate/question.

Step #12 – Overview of the counting process: Each counting team will usually count all races and questions in one pile of 50 ballots at a time. A mark must be made on the tally sheet for each ballot for each office or question. Make a vertical line for the first four votes for any given candidate and then cross a horizontal line over the vertical lines for the fifth vote for that candidate. If the voter wrote in a candidate, that name must be written in on the tally sheet.

If the voter skipped a race or question, that is they did not vote for any candidate or did not mark either “yes” or “no”, put a hash mark in the “undervotes” line for that office on the tally sheet. If the voter overvoted, that is they voted for more candidates than they are permitted, put a hash mark in the “overvotes” line representing the number of choices the voter gave up by overvoting.

The objective will be that when the team is done counting the 50-ballot pile, there will be a hash mark for each voter choice, even if the choice is to not choose any option. The team will then total the votes for all candidates for each office and all the “yes,” “no,” write-ins, undervotes, and overvotes for each question. The total votes for a single seat office must equal 50 votes for that office (including the votes for each candidate, write-ins, undervotes and overvotes). For offices where the voter may vote to fill two positions (for example where the race is for state Representative where voters get to choose two), the total votes counted should total up to 100. For offices where the voter may vote to fill three positions, the total votes counted should total 150, and so on. If the total does not equal 50, the team should check their hash marks for that office/question and correct any errors. The team is done counting a 50-ballot pile at the point when the office/question totals equal 50.

If there is any question from a team regarding how a ballot should be counted, teams should call the moderator to their table and seek his or her instructions on how the ballot should be counted.

If a ballot is marked for any office or question in a way that does not leave the intention of the voter clear, or if after getting basic instructions on how different marks are counted from the moderator, there is disagreement among officials who are counting a particular ballot for a particular office, a vote should be taken of the election officers present and counting votes. RSA 659:64. The moderator should call together the election officers, discuss the ballot in question and take a vote on the intent of the voter. The majority rules, and if no alternative receives a majority of the votes, the ballot shall be treated as defective and counted as an overvote for that office or question.

If there are many questioned ballots that need to be voted on, the moderator may choose to hold these ballots aside and vote on several at one time. If this is done, however, it is the best practice that all questionable ballots be voted on before the team totals are tallied up. This ensures that the election officials do not know whether the vote on a particular ballot will affect the outcome of the election. This process reinforces neutrality and enhances the legitimacy of the counting process.

Step #13 – Starting with the first office on the ballot, one counting team member (the reader) should read off the name of the candidate (the word “yes” or “no” for questions) who received the vote on the ballot being counted. The second member of the ballot counting team (the marker) should make a hash mark beside that name on the ballot. If the moderator can staff each team with three counters, the third counting team member (the observer) should look at the ballot and ensure that the correct name was read off and should watch the hash mark being made to ensure it is made in the correct row.

Step #14 – The reader then reads off the name of the candidate in the second office who received the vote on the ballot being counted, the marker should then make a hash mark on the tally sheet in the appropriate row, which is checked by the observer. Continue this process until the entire ballot has been marked on the tally sheet. Then proceed to the next ballot.

If a voter has not voted for any candidate for a particular office, the reader should state “undervote” and the marker should mark the “undervote” row for that office on the tally sheet.

If the voter voted for two or more candidates for an office where the ballot instructs to vote for one, the reader should read off “one overvote” and the marker should mark the “overvote” row on the tally sheet. If the instructions are that a voter should vote for two and the voter voted for three or more, the reader should read off “two overvotes.”

Step #15 – When all 50 ballots have been marked on the tally sheet, the hash marks should first be totaled for each candidate including the write-ins, undervotes and overvotes and then for each office. The total votes for each office/question should equal 50. If they do not equal 50, go back

through the pile and correct any counting/marking errors.

Step #16 – Bind the pile of ballots with the tally sheet on top with a rubber band or clip and notify the moderator that he or she can pick up that pile.

Step #17 – Start the process over with the next pile of 50 ballots.

Step #18 – The moderator should designate some election officer or recruit a voter who routinely works with numbers, e.g. the town treasurer, a local CPA, accountant, or math teacher, to tally the piles. Ideally a second election officer will assist and act as observer for this tallying process. Usually, these individuals do not work on a counting team. As each team completes a pile of 50 ballots and has confirmed the accuracy of the count, the moderator can carry the pile to the team who will be tallying the piles.

Step #19 – When the last pile(s) have been counted and turned into the team that is tallying the piles the moderator should ensure that these officials have peace and quiet to finish the tallies. The tallying must occur in public. However, when all the election officers and counters gather at the tallying table and watch the final calculations, it puts pressure on those making the final calculations and makes errors more likely. The tallying team should tally the results for all elections. The use of a printing calculator or an Excel spreadsheet allows the team or the moderator to check the printed tape or spreadsheet as a means of ensuring the accuracy of the tally. The final tallies should be written down and presented to the moderator.

Step #20 – The moderator should stop before announcing the results and check the final tallies. If a count was done of the total number of persons checked off as having voted on the checklist the tallies for each office and question should be verified against that count. In towns or wards with thousands of ballots and thousands of voters checked off on the checklist, the moderator should be looking for any significant discrepancies between the totals. It is difficult to get a perfect count from the checklist, therefore, it is not essential that the total count for each office or question exactly match the vote totals. Provided the write-ins, undervotes and overvotes were tallied, the totals from one office to the next should be the same. If any discrepancies are found the moderator should investigate and attempt to resolve the discrepancies before declaring the results.

New Hampshire Attorney General's Office
Polling Place Checklist for the 2026 Primary and General Elections

Inspector's Name:_____

Town/City Ward:_____

Polling Place Facility (Name):_____ i.e. Town Hall, Middle School, etc

Date (circle one): September 8, 2026 or November 3, 2026 Time: ___:___ AM/PM (Circle One)

Moderator's Name _____

For Moderator's name, this may be the Deputy or Pro Tem Moderator. Write in the name of whoever is serving when you inspect.

Requirement	What to Look For	#	Yes	No	Memo (N/A if not applicable)
Exterior					
Traffic	Are traffic access routes adequate to enable access to the polling place?	1			
Accessible Parking	Is there at least one 8-foot wide accessible van parking space marked with a proper sign? (There must be an 8-foot wide parallel access aisle next to the space.) RSA 658:9-a, I.	2			
Parking	Is parking adequate to enable access to the polling place?	3			
No Electioneering Zone	Is there ***at least one*** zone at least 10 feet wide extending from the entrance(s) to the polling place where electioneering is prohibited? RSA 659:43	4.a.			
Electioneering Allowed Outside	Are people electioneering outside allowed within sight and sound (conversational voice volume) of the no electioneering corridor?	4.b.			
Campaign Signs	Are election officials ensuring that there are no unattended campaign signs present on the property of the polling place, outside the no electioneering zone? RSA 664:17 (Law prohibits affixing signs to public property.) RSA 659:43, V prohibits affixing signs to the polling place or grounds and leaving signs unattended.	5			
Interior. *Identify yourself to the Moderator when entering the polling place. Before completing the inspection, introduce yourself to the Clerk,*					
Election Officials	Are the following election officials present at the polling place: Moderator (or assistant moderator), clerk (or deputy or assistant clerk), and at least two supervisors of the checklist (or assistant supervisors of the checklist)? RSA 658:7. Number of selectmen present: _____. RSA 658:21-a allows Selectmen Pro Tem.	6			
Notices	At the State Primary, is the Notice of Primary, listing date of the election and the hours the polling place will be open to voting posted? 52 USCA § 21082(b)(2)(B). This notice should have been posted in 2 public places within 10 days of receipt from the Secretary of State. RSA 655:12.	7.a.			

New Hampshire Attorney General's Office
Polling Place Checklist for the 2026 Primary and General Elections

Requirement	What to Look For	#	Yes	No	Memo (N/A if not applicable)
	For the General Election, RSA 658:1 requires the warrant to be posted by the selectmen at all polling places and the clerk's office or town hall. The warrant must list the date of the election and the polling place's voting hours. 52 USCA §21082(b)(2(B). Ask a Select Board member or Clerk: Was the warrant posted at the polling place and town hall/clerk's office at least 14 days before the election?	7.b.			
There are 9 signs that must be posted. RSA 658:29. Each is labeled with a number, i.e. #1 and then the year most recently updated, i.e. 2024 or					
Signs	Instructions to Voters: Are there "Instructions to Voters" signs posted outside the rail and inside each voting booth and screen? ***#1-MC 2026 or #1-HC 2024, there are separate versions for hand count (HC) towns versus ballot counting device, Machine Count (MC), polling places*** .	7.c.			
	Distinguishing Marks Prohibited ***#2-2024***	7.d.			
	Election Day Registration and NH Voter ID Law - ***#3-Sept. 2026***	7.e.			
	Prohibited Election Activities and The Penalties. ***#4-Sept. 2026***	7.f.			
	Voter Identity: Is there a current "Voter ID Law Explanatory Document" poster posted outside of the guardrail explaining the photo identification law? ***#5-Sept. 2026***	7.g.			
	How are votes challenged? ***#6-Sept. 2026***	7.h.			
	Voters Needing Assistance to Mark a Ballot. ***#7-2024***	7.i.			
	Voting Rights: Is there at least one "Are Your Voting Rights Being Violated" sign listing the AG toll free election line posted outside the rail? 52 U.S.C. §21082. ***#8-2026***	7.j.			
	New Hampshire Voter ID Law: Is there a "New Hampshire Voter ID Law" posted? ***#9-Sept. 2026***	7.k.			
	Why is there a QR code on my ballot? (VotingWorks device polling places **only**). ***#10-2024.***	7.l.			
Lines	Voters who were registered before entering the polling place should not have to wait more than 15 minutes to obtain a ballot and have access to a voting booth/screen. Do voters receive ballots within 15 minutes?	8.a.			
	Observe and record the waiting time to obtain a ballot: minutes	8.b.			
	Are eligible voters who choose to register on election day able to start the voter registration process in less than 30 minutes?	8.c.			
	Note the waiting time, if a line exists for registering to vote: _____ Minutes.	8.d.			

New Hampshire Attorney General's Office
Polling Place Checklist for the 2026 Primary and General Elections

Requirement	What to Look For	#	Yes	No	Memo (N/A if not applicable)
Booths	Is there at least one State-issued (large white tent-like) booth easily accessible to elderly persons and persons with physical disabilities? RSA 658:9, III	9.a.			
	Are there at least two standard voting booths? RSA 658:9, V?	9.b.			
	Are there at least two tabletop voting screens? RSA 658:9, V	9.c.			
	Number of Registered Voters on the voter checklist in the town or ward:_____ (from last page of checklist).	9.d.			
	Did the supervisors certify (sign) the checklist? Supervisors sign on or after the last page of voters The certification page must state the number of registered voters as of the start of the election. RSA 654:29, I.				
	Total combined number of Booths and Screens:_____	9.e.	N/A	N/A	
	Primary Election: Is there at least one booth or screen for every 150 voters on the checklist?	9.f. Primary			Primary: Registered voters at the start of the eleciton _____divided by 150 = _____ (required total of booths and screens for primary)
	General Election: Is there at least one booth or screen for every 100 people on the checklist ? RSA 658:9, V (b); 652:3; 652:6.	9.f. General			General: Registered voters at the start of the election _____divided by 100 = _____ (required total of booths and screens for general)
Accessible Voting System	Is the OmniBallot Accessible Voting System (using a touch screen tablet on a docking station) set up and functioning? Check for a light on the docking station. When turned on, the screen should be lit up, show a logo, and present the user a choice to enter an access code. 52 USCS § 21081.	10.a.			
	Verify that a test ballot was printed using the OmniBallot Accessible Voting System. Check to ensure that the test ballot printed shows the correct town/city ward and that it is marked "TEST" or "Spoiled" by the moderator. Verify that the ovals for the selected candidates in the test are filled in by the printer, filling most of the oval.	10.b.			
Electioneering	Is electioneering prohibited within the polling place? RSA 659:43; RSA 659:44; RSA 652:16-h.	11			
Guardrail	Is there a guardrail (wooden rail, rope, ribbon, tape, or any other system) separating the voting area from the public area? RSA 658:9	12.a.			
	Is the guardrail positioned so that no one outside the rail can approach closer than 6 feet from the voting booths and the ballot box or ballot counting device? RSA 658:9	12.b.			
	Are persons (other than election officials and voters marking and casting ballots or assisting another voter) prohibited from entering within the rail? RSA 659:21	12.c.			

New Hampshire Attorney General's Office
Polling Place Checklist for the 2026 Primary and General Elections

Requirement	What to Look For	#	Yes	No	Memo (N/A if not applicable)
Voter Check-in	Is a paper checklist used at check-in? Mark "No" if an electronic poll book (Poll Pad) is used. If "No" answer 13.b. - 13.c. If "Yes" skip to 13.d.	13.a.			
	If an electroic poll book is used, are the device receipts transferred to election officials who are marking a paper checklist in a parallel process?	13.b.			
	Is the parallel marking of the paper checklist completed within 30 minutes of when the voter receives a ballot/the device prints the check-in receipt?	13.c.			
	When a voter checks in to receive a ballot, does the ballot clerk repeat the voter's name out loud before putting a check next to the voter's name or entering the check-in using the electronic poll book system? RSA 659:13	13.d.			
	If the voter's name is not on the checklist, does the ballot clerk direct him or her to the supervisors of the checklist?	13.e.			
	When a voter checks in, does the ballot clerk state the address of the voter listed on the checklist and ask the voter to verify it is correct? RSA 659:13	13.f.			
	If the voter's address is NOT correct, and the voter's address is within the same town or ward, is the ballot clerk correcting the address in red ink on the checklist or in the electronic poll book system, printing an address change record that is transferred to the staff marking the paper checklist?	13.g.			
	If the voter's address is NOT correct, and the voter's address is NOT within the same town or ward, is the ballot clerk informing the voter that he or she is at the wrong polling place, that they can only vote where they are domiciled, and does some election official try to help the voter identify the address of the voter's correct polling place?	13.h.			
	Does the ballot clerk ask the voter to present a valid photo ID? RSA 659:13	13.i.			
	For voters who do not present a valid photo ID, is the ballot clerk giving those voters a copy of the explanatory document prepared by the Secretary of State? RSA 659:13, I(c)(1). ***#5-Sept. 2026***	13.j.			
	For registered voters who do not have a valid photo ID, are they given the opportunity to vote by being personally verified by either the moderator, clerk, supervisor, or selectmen? If so, did the verifying election official and an additional witnessing official (clerk or moderator) fill out the attestation? RSA 659:13.	13.k.			
	Does the ballot clerk use a ruler or a straight edge to draw a single thin line through the voter's last name to record that the voter has been given a ballot? RSA 659:13, I(b)	13.l.			

New Hampshire Attorney General's Office
Polling Place Checklist for the 2026 Primary and General Elections

Requirement	What to Look For	#	Yes	No	Memo (N/A if not applicable)
Absentee Ballots	Will/did the Moderator start processing absentee ballots at 1:00 PM or the time stated on the notice posted at the polling place? (The moderator or the moderator's designee may authorize the processing of absentee ballot return envelopes on election day prior to 1 PM if the start time is no earlier than 2 hours after the opening of the polls and the time is posted and announced at least 24 hours in advance.) RSA 659:49; 659:49-b.	14.a.			
	If the Moderator or designee began to process absentee ballots earlier than 1 PM, did the moderator or designee post the time they will begin processing of absentee ballots 24 hours in advance? RSA 659:49, 659:49-b	14 b.			
Ballot Counting Devices	Are the activity logs and access logs for each ballot counting device properly filled out?	15.a.			
	Can the moderator or clerk show you documentation of conducting a successful test: (a) documentation of the hand count of the test ballots, and (b) the results tape or report from the ballot counting device showing the same results. RSA 656:42.	15.b.			
	Does each ballot counting device have intact seals or locked locks where indicated on their respective activity logs?	15.c.			
	Has the moderator and clerk certified on the pre-election certificate that all counting device seals have been maintained intact, and any seals which were broken were appropriately resealed and properly recorded in the activity log with signatures?	15.d.			
	Is the ballot counting device's zero tape (a.k.a. Polls Opened report) available for inspection? RSA 656:42. Each candidate race and ballot question should show 0 votes.	15.e			
Official Ballots	Has the moderator ensured that no official **election day** ballots are removed from within the guardrail for any purpose? RSA 659:38.	16			
Challengers	Does the moderator position challengers (designated in writing by the Dem. or Rep. party) in a place to enable them to see and hear voters check in with the ballot clerks? RSA 666:4	17.a			
	Are challenges being made at the voter check-in table? Challenges are prohibited from being made at the voter registration table. (Does not apply to challenges made by election officials.) RSA 654:7-c	17.b.			

New Hampshire Attorney General's Office
Polling Place Checklist for the 2026 Primary and General Elections

Requirement	What to Look For	#	Yes	No	Memo (N/A if not applicable)
Registered Voters Making Challenges	Are individuals who are making challenges either party-appointed challengers or challengers registered to vote in the town or ward where the challenge is being made? RSA 659:27, III. All challenges, regardless of by whom, need to be made on the "Asserting a Challenge" form 659:27-a. Challenges should be made at the check-in table. RSA 654:7-c	18			
Observers	Are observers (members of the public) at least 5 feet from the registration table? RSA 654:7-c	19.a.			
	Can a person in the area for observers hear the ballot clerks announce the names of voters as the voters check in? RSA 654:7-c	19.b.			
	Are observers (members of the public) at least 6 feet from the check-in table, unless the moderator expressly permits them to be closer? RSA 659:13-a	19.c.			
	Is there a public viewing area outside the rail available for observers from campaigns and the public? RSA 659:21 & 654:7-c	19.d.			
Voter Registration	Are people being allowed to register to vote at the polling place? RSA 654:7-a.	20.a			
	Are people who register to vote being required to prove: (RSA 654:12)	20.b.			
	i. Their *identity*?				
	ii. Their *age* if their appearance leaves doubt whether the person is 18 or older?	20.c.			
	iii. Their *citizenship*?	20.d.			
	Are those without proof of citizenship offered and allowed to sign a qualified voter affidavit?				
	iv. Their *domicile*?	20.e.			
	Are those without the preferred form of proof of domicile allowed to sign the Attestation of Not Possessing Qualified Domicile Proof Documents and, if applicable, the Confirmation of Domicile or Homeless Confirmation of Domicile?	20.f.			
	Do the Supervisors of the Checklist have access to the Statewide Voter Registration System?	20.g.			**If they do not, call the Elections Division at the Secretary of State's Office immediately.**
Voter Registration Continued	Were all voter registration applications accepted? (Except where the basis for rejection is clear and uncontested, the Supervisors of the Checklist should contact the Attorney General's office before denying (by majority vote) any registration application, including absentee voter registrations.)	20.h.			
	Are the Supervisors of the Checklist using the correct Voter Registration Form? November 2024? RSA 654:7, IV.	20.i.			

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