

Election Statute Navigator: New Hampshire

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchbook.org/new-hampshire/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day – [§ 654:7-a](#); [§ 654:7-b](#)
- Voters (other than above) register prior to Election Day (General Registration Guidelines) – [§ 654:7](#)
- In-Person registration available – [§ 654:7](#); [§ 654:8](#)
 - Clerk's Office in town or city where you vote
- Preregistration allowed – [§ 654:7](#)
 - Any person who will be 18 on the day of the next election
- Residency requirement – [§ 654:12](#)
- Prior conviction eligibility
 - See state code for specifics – [§ 607-A:2](#)
- Voter list maintenance guidelines
 - See [§ 654:44](#) (and other sections mentioned within)
- New Hampshire is exempt from [the National Voter Registration Act of 1993 \(NVRA\)](#)'s provisional ballot requirements.

State Absentee, Early, and Mail Voting

- Listed excuses to vote absentee – [§ 657:1](#)
- Online absentee ballot application available – [§ 657:19-b](#)
- Absentee ballot application is verified – [§ 657:16](#)
- Copy of Voter ID required with absentee ballot
 - Only if voting for first time and did not provide ID at time of registration (See [here](#))
- Absentee ballot verification details – [§ 659:53](#)
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter – [§ 657:17](#)
- Deadline by which election official must receive absentee/mailed ballots – [§ 657:22](#)
 - 5pm on Election Day
- State is required to provide secrecy sleeve for absentee/mail ballot – [§ 657:7](#)
- Absentee/Mail ballot processing and counting procedures – [§ 659:49](#)
- Spoiling/Replacement/Correction ballot restrictions
 - Spoiled – [§ 659:22](#)

- Other
 - Unused absentee ballots shall be used as election day ballots, if the supply of election day ballots becomes exhausted – NH S 44 - Act No. 35

In-Person Voter ID

- Photo ID requirements – [§ 659:13](#)
- Options for voters without ID – [§ 659:27](#)
 - Affidavit with a follow up

Provisional Voting

- New Hampshire is exempt from [HAVA](#)'s provisional ballot requirements [52 U.S.C. § 21082](#); [52 U.S.C. § 20503\(b\)](#)

Polling Place

- Polling Place availability and requirements – [§ 658:9-a](#)
- Electioneering or campaigning must not be closer to the entrance of the polling place than the distance specified by the moderator at the location the election is being held – [§ 659:43](#)
- Rules governing poll observers – [§ 659:13-a](#)
- Poll watcher qualifications – [§ 666:4](#)
- Curbside voting – [§ 659:20-a](#)
 - Does not specifically say “curbside voting,” but allows officials to bring materials outside of regulated area for disabled voters to vote
- Police presence – [§ 659:21](#)
 - Allows election officers to permit individuals inside the guardrails “for the purpose of keeping order and enforcing the law”
- Other
 - Defines electioneering and clarifies restrictions on electioneering at the polling place, grants authority to the moderator to impose restrictions on parking and travel at the polling place when necessary to maintain safety of pedestrians and vehicle travel, and to ensure parking is available for voters – NH S 45 - Act No. 36

State Emergency Rules and How Elections are Affected

- Governor has authority to set rules and procedures
 - Can suspend administrative rules
 - No specific election emergency codes, nor does this say the Governor may do anything specifically to elections

Counting Rules

- Counting procedures – [§ 659:61](#); [§ 659:63](#); [§ 659:70](#)

Contest/Protest, Recount Rules

- Challenging a voter – [§ 654:7-c](#); [§ 659:27](#)
- Contest/Protest recount – [§ 660:1](#)
 - Candidate must have come within 20% of winner and must pay for recount unless they are declared the winner