

**JOINT MEMORANDUM**

TO: New Hampshire Election Officials  
FROM: Attorney General's Office and Secretary of State's Office  
RE: 2025 Election Law Changes  
DATE: September 15, 2025

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Dear Election Officials,

The legislature made a significant amount of election law changes this session. To help you understand the changes and operate accordingly, we have put together this memorandum. Please read this document carefully so that, together, we can ensure the law is followed as part of our shared goal to faithfully administer the election laws. As always, if you have any questions regarding this guidance, please contact either one of our offices.

David M. Scanlan – Secretary of State

John Formella – Attorney General

### **How to use this document**

The table of contents is clickable by hovering your mouse over the desired topic and right clicking the location. This will bring you to the topic you clicked on.

Once in the topic, you will see several items on the top left of the page: bill number, statutes amended or added, and effective date. The bill numbers are hyperlinked to the final chaptered versions.

Each topic begins with a high-level summary. The summaries are intended to provide you with the main takeaways but should not be construed as a full and complete breakdown of the changes. As always, you should read each bill to read through all the changes.

The topics also include anticipated, frequently asked questions and answers. Please read the Q&As carefully, as they will likely cover questions that will arise in the future.

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# I. Changes to Filing Nomination Papers and Witnessing Affidavits

**Bill Number:** [HB327](#)

**Statutes Amended:** RSA 655:15; 655:28

**Effective Date:** 7/28/2025

## Summary

House Bill 327 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' affidavit of qualifications, whether or not they are notaries.

## Questions and Answers

1. Will the Secretary of State inform the municipalities of who filed for state representative and delegate?

*No. 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.*

2. Can an assistant clerk witness a candidate's affidavit of qualifications?

*No. The law only permits clerks or their deputies to witness such affidavits.*

## II. New Requirement that Clerks Post Election Return Forms

**Bill Number:** [SB16](#)

**Statutes Amended:** RSA 659:73

**Effective Date:** 8/9/2025

### **Summary**

Senate Bill 16 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.

### **Questions and Answers**

1. Will clerks be required to post local election return forms?

*Yes. These changes apply to both state and local elections.*

2. How long must the election return forms be posted for?

*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.*

### III. Public Body Meeting Minutes: Record Start/End Times and Clerk Name(s)

**Bill Number:** [HB265](#)

**Statutes Amended:** RSA 91-A:2

**Effective Date:** 8/22/2025

#### **Summary**

House Bill 265 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.

#### **Questions and Answers**

1. What if the participants of a meeting forget to reflect the exact start/end time? Can they estimate based on memory? For start time, could they defer to the scheduled time of the meeting?

*If you do not recall the exact start/end time, use your best estimate. The start time should not be before the originally posted start time of the meeting.*

2. For meetings of the supervisors, what if all three work on the minutes?

*In this situation, all three must list their name.*

## IV. Optional Three-Year Terms for Supervisors

**Bill Number:** [HB151](#)

**Statutes Amended:** RSA 41:46-a

**Effective Date:** 9/13/2025

### **Summary**

House Bill 151 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.

This change, however, does not affect the terms of current supervisors. If a vacancy occurs prior to the 2026 annual town election, the vacancy shall be filled under the rules that existed for the 2025 annual election.

### **Question and Answers**

1. What is the definition of a local legislative body? Is it the select board (or city council) or the voters?

*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.*

2. Can a town select board adopt the three-year term option for supervisors in 2025 and have that term on the ballot in March 2026?

*Only a town's legislative body may adopt a 3-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 3-year term for supervisors, but the board may propose a warrant article to be voted on at the next annual town meeting.*

# V. Preservation of Electronic Ballot Counting Device External Storage Devices

**Bill Number:** [HB270](#)

**Statutes Amended:** RSA 33-A:3-a

**Effective Date:** 9/13/2025

## Summary

House Bill 270 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 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.

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.

## Questions and Answers

1. What happens if I do not have 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.*

2. Is the activity log a public document?

*Yes. The logs are public documents just like activity logs for sealed ballot boxes.*

3. What should I do with the programmed external storage devices after the retention period?

*The Secretary of State will be issuing separate guidance on this in October 2025.*

## VI. Electioneering – Clothing Items

**Bill Number:** [SB43](#)

**Statutes Amended:** RSA 652:16-h

**Effective Date:** 9/13/2025

### **Summary**

Senate Bill 43 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.

### **Questions and Answers**

1. What does “expeditiously” mean?

*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.*

2. What does “reasonably remove” mean?

*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.*

3. Can a voter stay inside the polling location in the observers area?

*No. RSA 659:43 provides that electioneering “shall be prohibited within the polling place building.” The only exception is for voters who cannot reasonably remove the articles of clothing and who expeditiously proceed to register to vote or vote. Thus, such voters must leave the building after voting but can remain in the designated electioneering areas outside of the building.*

## VII. E-Poll Books Can Be Used for Town/School Sessions and Special Meetings

**Bill Number:** [SB43](#)

**Statutes Amended:** RSA 652:27

**Effective Date:** 9/13/2025

### **Summary**

Senate Bill 43 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.

### **Questions and Answers**

1. If a town uses the electronic poll book for a deliberative session or town meeting, do they need to mark the alpha voter official checklist in parallel with the electronic poll book reflecting the real-time check in of voters with a lag time of no more than 30 minutes?

*Yes. 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. More information on this certification will be announced in late 2025 or early 2026.*

2. Do municipalities need to retain printed slips from the electronic poll books? If yes, what is the retention period?

*Yes. Retain the slips for seven years just like marked checklists.*

# VIII. Voters Can Now Request Their Ballots Be Hand-Counted

**Bill Number:** [HB 154](#)

**Statutes Amended:** RSA 656:42

**Effective Date:** 9/30/2025

## Summary

House Bill 154 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.

## Questions and Answers

1. What if the polling location does not have an electronic ballot counting device, but the ballots are run through the device after the polls close at a central location? For example, some regional school districts transport ballots to a central location to then run through ballot counting devices.

*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.*

2. What if an electronic ballot counting device goes down during the middle of an election, and all voters are instructed to put their ballots in the auxiliary compartment? This would mean that device counted and hand-count ballots will be co-mingled.

*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.*

# IX. New Proof of Qualification Requirements for Absentee Registration

**Bill Number:** [SB218](#)

**Statutes Amended:** RSA 654:17

**Effective Date:** 9/30/2025

## Summary

Senate Bill 218 changed the proof of voter qualification requirements for 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. The Secretary of State will be issuing new forms in SVRS in accordance with these changes.

## Questions and Answers

1. Do the new proof of qualification requirements affect UOCAVA voters?

*No. Federal law specifies the requirements for accepting FPCA forms. This law does not affect the FPCA forms.*

2. What is the process for a person that does not provide all required proof of voter 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.*

3. If the clerk receives an absentee ballot application and the voter is not a registered voter and does not submit a photo identification/notarization, does the clerk still send out the absentee not registered to vote package? If so, do they send a ballot as well?

*Send the absentee not registered to vote package. Do not send an absentee ballot. See section X(C), below, regarding notifying a person that their absentee ballot application has been rejected.*

## X. Absentee Ballots

### A. Changes to the Timeline for Absentee Ballot Applications

**Bill Number:** [HB288](#)

**Statutes Amended:** RSA 657:6

**Effective Date:** 8/1/2025

#### **Summary**

House Bill 288 made changes to the timing of the 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. These changes do not affect Federal Post Card Applications for UOCAVA voters. Please see question three below for more information on FPCAs.

#### **Questions and Answers**

1. What should clerks do if they receive an absentee ballot application prior to the six-month cutoff?

*The absentee ballot application 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.*

*Although not required, the clerk 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.*

2. What should clerks do if they receive an absentee ballot application prior to the six month cutoff but the voter needs to register to vote?

*Send the voter the absentee voter registration materials and also notify the applicant that the application was rejected because it was not received or post marked within 6 months of the election for which the absentee ballot was requested. See RSA 657:16. Also see #1 above.*

3. The new law states that FPCA forms shall be received no earlier than January of the calendar year in which the election occurs. Should clerks continue to accept the FPCA forms received in the prior year for a presidential primary election held in January or February of the following year?

*Yes. RSA 657:19-a continues to require municipal officials to send presidential primary ballots to 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.”*

## B. Optional Outer Envelope for Hand Delivery

**Bill Number:** [SB218](#)

**Statutes Amended:** RSA 657:7; 657:16

**Effective Date:** 9/30/2025

### **Summary**

Under Senate Bill 218, 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). For state and federal elections, the Secretary of State will provide new affidavit envelopes (form A).

### **Questions and Answers**

1. What if the election official cannot determine who the absentee ballot belongs to?

*To avoid this problem, 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.*

2. If the election official cannot tell who the absentee ballot belongs to, but there is only one outstanding voter listed on their absentee ballot report at the end of the day, can the official associate the request with that voter?

*Yes, if the election official can determine by process of elimination that the ballot must belong to a particular voter, they can associate the ballot with that voter.*

3. If someone is returning the voter's absentee affidavit envelope to the clerk without an outside envelope and the voter was marked as "registering to vote," is the clerk authorized to open the affidavit envelope if it contains the voter registration materials?

*If an authorized delivery agent returns a voter's absentee affidavit envelope, 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.*

4. What should I do with the state affidavit envelopes (A) we have in stock?

*Destroy all state affidavit envelopes (form A) you have leftover from previous elections. Please keep all other election envelopes supplied by the secretary of state.*

## C. New Identity Verification Requirements for Absentee Ballot Applications

**Bill Number:** [SB287](#)

**Statutes Added:** RSA 657:17-c

**Effective Date:** 9/30/2025

### **Summary**

Senate Bill 287 adds an identity verification requirement for 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.

### **Questions and Answers**

1. Does this law affect absentee ballot requests received before 9/30/2025?

*No. If a voter submitted an absentee ballot application that was received by the clerk prior to 9/30/2025 for an election that is within six months of the postmark or receipt date, it can be accepted.*

2. What should clerks do if a voter completes and signs an old/invalid absentee ballot request form, but it is not received until after 9/30/2025?

*The absentee ballot application will need to be rejected if received on or after 9/30/2025. In accordance with RSA 657:16, you shall notify the applicant within 7 days of not accepting the application.*

3. What is the process for an absentee ballot request received without a photo identification or notarization? Can the voter submit a photo identification via email?

Can a voter get a notarized document that is somehow separate from the absentee ballot request?

*SB 287 requires an absentee ballot application to be rejected unless one of the three identity verification methods is satisfied.*

*The voter may verify their identity by “[i]ncluding a notarized signature on the absentee ballot application form.” RSA 657:17-c, I(b). If the voter notarizes a different document instead of notarizing their absentee ballot application form, the voter has not satisfied RSA 657:17-c, I(b).*

*RSA 657:17-c, I(a) and (c) allow a voter to alternatively verify their identity by including a copy of the voter’s photo identification “with the absentee ballot application” or by “personally presenting” qualifying photo identification. If a voter fails to include a copy of their photo identification with their absentee ballot application, the voter can personally present the photo identification, or submit a new absentee ballot application with the photo identification enclosed, or submit a new absentee ballot application with their notarized signature on the application form.*

4. If an absentee ballot request is received without photo identification or notarization, should the clerk send their absentee ballot along with an absentee ballot request form for the voter to complete and return with photo identification/notarization?

*No. The law states that “No absentee ballot shall be issued unless one of the verification methods under paragraph I has been satisfied.”*

5. Can a notarized absentee ballot application form be accepted via email or fax?

Yes.

6. Can voters use remote notarization?

*Yes. The New Hampshire Uniform Law on Notarial Acts authorizes the performance of electronic and remote notarization. Remote notarization can take place using real-time audio-video technology as long as the notary is physically present in New Hampshire and the two parties can simultaneously see and speak to one another. Electronic notarization is an official act performed by a notary public using an*

*electronic signature on an electronic document. Please see the Electronic and Remote Notarization page on our website for more information.*  
<https://www.sos.nh.gov/electronic-and-remote-notarization>.

7. Does this apply to UOCAVA voters using an FPCA form?

*No. To comply with federal law and RSA 657:19, local clerks must accept a Federal Post Card Application from a qualified UOCAVA voter.*

8. If a voter sends in multiple absentee ballot requests for different elections, do they only need to provide one copy of their photo identification for all requests? What about notarization?

*If a voter has submitted more than one absentee ballot application with only one copy of their photo identification, the clerk should make a copy of the photo identification for each additional request. There should be one copy of the photo identification with each request.*

*Notarizations are different. If a voter has submitted more than one absentee ballot application with only one notarization, only the notarized application can be accepted as the notary is witnessing a signature. Applications that are not notarized cannot be accepted.*

9. Do the clerks need to verify each notary's information?

*Clerks need to make sure that the notary has used either their official seal or official stamp in accordance with RSA 456-B:3.*

10. What happens if the notary's expiration date expires before the date of the election?

*As long as the notary's commission did not expire prior to their witnessing of the signature, the notarization is valid.*

11. For voters submitting a letter requesting an absentee ballot that does not include photo identification, will there be a separate form so they can have their signature notarized?

*No. The law does not authorize a separate form.*

12. Can I send out an absentee ballot to a person who requests one informally via email?

*No. The law does not allow an absentee ballot to be mailed unless the clerk has received an application along with photo identification or a notarized statement. If a clerk receives an informal request, the clerk should either send the voter an absentee ballot application or direct them to the form on the Secretary of State's website.*

13. What if a voter in a nursing home submits an absentee ballot request and the voter does not have a photo identification? Can the nursing home administrator vouch for the voter? Do they still need to submit a photo identification, or will they need to have the form notarized?

*If the voter does not have a photo identification, they must have their absentee ballot application notarized. When a notary is determining the identity of the voter, the nursing home administrator may verify the voter's identity by providing an oath or affirmation to the notary. See response to the following question.*

14. What if the clerk is at a nursing home and the voter does not have the required photo identification? If the clerk is a notary, can they notarize the absentee ballot request based off a nursing home administrator identifying the voter?

*Yes. A notarial officer must determine the signatory's identity through either personal knowledge or satisfactory evidence. RSA 456-B:2-b provides that satisfactory evidence may include "a verification upon oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government issued nondriver identification card, which is current and unexpired." Therefore, if the clerk determines the nursing home administrator is a credible witness and verifies the identity of the administrator, the clerk may determine the signatory's identity by taking an oath or affirmation from the administrator.*

15. What if a voter does not have any photo identification in accordance with RSA 659:13, II(a)?

*Advise the voter that they need to obtain a photo identification for voter purposes only from DMV. Clerks should obtain the DMV forms necessary to provide to the voter from SVRS.*

# XI. Checklists Must Now Be Verified Annually

**Bill Number:** [SB221](#)

**Statutes Amended:** RSA 654:39

**Effective Date:** January 1, 2026

## **Summary**

Senate Bill 221 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.

## **Questions and Answers**

1. During the annual verification process, can supervisors keep voters on the checklist who should be removed but they know personally and want to keep on the checklist?

*No. If the voter qualifies to be removed during the annual verification process as the voter has not voted within the five years immediately preceding the annual verification or was not added to the checklist since the last state general election, they must be removed.*

2. Can the new re-registration forms be used for other voters, such as people trying to register for the first time?

*No. This form is only authorized for voters who have been removed due to the annual verification of the checklist. All other voters must use the November 2024 registration form. The re-registration form is not yet complete but will be available prior to the annual verification.*

3. Can the clerks/supervisors still use the November 2024 form for re-registration?

Yes.

4. If a person has been removed from the checklist through the annual verification process and is attempting to re-register via absentee voter registration, which voter registration form is sent out in the absentee voter registration package?

*The clerk must look in SVRS to determine if the voter was previously registered and removed because of annual verification. Once the clerk confirms this, they can send the new re-registration form.*

5. What if a city/town has not finished their NCOA list by the time annual verification arrives—which process do they default to in removing the voter?

*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.*

## XII. Current or Prior Registered NH Voters Do Not Need to Prove Citizenship

**Bill Number:** [HB464](#)

**Statutes Amended:** RSA 654:12

**Effective Date:** 9/30/2025

### Summary

House Bill 464 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. Further guidance will be issued on other areas of House Bill 464.

### Questions and Answers

1. How do election officials confirm that the person is currently registered in another town or ward or was previously registered?

*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.*

*If the election official is unable to determine whether the person is currently or was previously registered in New Hampshire, then the person must prove age, identity, domicile, and citizenship.*