Section 1 Header

2026 SESSION

26-3230.0
08/09

HOUSE BILL ***[bill number]***

AN ACT defining citizenship for the purposes of voting.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill defines both New Hampshire and United States citizenship for the purposes of voting.

This bill also requires the secretary of state to distribute New Hampshire citizenship cards to native citizens and those persons from other states who take an oath of allegiance to the state of New Hampshire.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

26-3230.0
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT defining citizenship for the purposes of voting.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Resident; Inhabitant; Citizen. RSA 21:6 is repealed and reenacted to read as follows:

21:6 Resident; Inhabitant; Citizen; National.

I. "Inhabitant" means a citizen of this state qualified as the constitution provides to vote within this state, who dwells and has a domicile in the town, city, or other political subdivisions of this state.

II. "Citizen of this state" means a man or woman native born or a person naturalized as a citizen of the state of New Hampshire.

III. "Naturalization" means the conferring of the nationality of a state upon a person after birth, by an oath of allegiance to the state of New Hampshire and the relinquishment of allegiance to any other state.

IV. "Naturalized citizen of the United States" means a citizen of the United States who is admitted to become a citizen of the state of New Hampshire.

V. "National" means a person owing permanent allegiance to a state.

VI. "Domicile" means the one place within this state where a citizen of this state dwells and has his or her home for voting purpose, to the exclusion of all other residences.

VII. "Resident" means a person who resides within this state who is not a citizen of this state as he or she is a citizen of the state from whence they came.

VIII. "Alien" means any person not a citizen of this state is a resident alien. A legal resident is alien to this state as they are citizens of another state or federal territory.

2 Voter; Office Holder. Amend RSA 654:1, I and I-a to read as follows:

I. Every inhabitant of the state, having a single established domicile for voting purposes, ***being a citizen of New Hampshire,*** 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 ***the student is a citizen of New Hampshire and a citizen of the United States,*** if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

3 Determining Qualifications of Applicant. Amend RSA 654:12, I to read as follows:

I. When determining the qualifications of an applicant desiring to register to vote, whether the applicant seeks to register before election day or on election day, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of ***New Hampshire citizenship, United States*** citizenship, age, domicile, and identity as provided in the following categories:

(a) ***NEW HAMPSHIRE CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of New Hampshire citizenship: the applicant's birth certificate from the state of New Hampshire, or a New Hampshire citizenship card attesting to the voter's birth in the state of New Hampshire or an oath of allegiance to the state of New Hampshire. A New Hampshire citizen cannot be a legal resident of any other state or federal territory.***

(b) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any 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.

[~~(b)~~] ***(c)*** AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election.

[~~(c)~~] ***(d)*** DOMICILE.

(1) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) a government issued check, benefit statement, or tax document.

(2) A person who attests under penalty of voter fraud that they do not possess any of the qualified documents listed in subparagraph (c)(1) 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 must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day, in the town

or ward in which they desire to vote. Reasonable documentation may include, but is not limited to, evidence of:

(A) Having established domiciliary at the location of an institution of learning the applicant attends, as set forth in RSA 654:1, I-a;

(B) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;

(C) Purchasing an abode at that place;

(D) Enrolling the applicant's dependent minor child in an established public or private elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;

(E) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;

(F) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;

(G) Obtaining public utility services for an indefinite period at that place;

(H) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual; or

(I) Any other reasonable documentation which establishes that it is more likely than not that the applicant is domiciled at the address in the town or ward in which the applicant desires to vote An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.

[~~(d)~~] ***(e)*** IDENTITY. Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement of this section:

(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.

(4) Any other evidence that reasonably establishes that it is more likely than not that the person is who they claim to be, including verification of the person's identity by the moderator or another election official.

Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, 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 proved his or her identity with a photo identification.

4 New Paragraph; Determining the Qualifications of Applicant; New Hampshire Citizenship. Amend RSA 654:12 by inserting after paragraph VI the following new paragraph:

VII. The secretary of state shall provide a New Hampshire citizenship card which shall be provided to anyone meeting the following qualifications:

(a) The person is not currently a legal resident of any other state or national from a federal territory; and

(b) The person was born in New Hampshire as indicated by a New Hampshire birth certificate or the person, having not been born in New Hampshire, has taken an oath of allegiance to the state of New Hampshire. Any oath of allegiance taken must be given in person with the identity of the person clearly established.

5 Effective Date. This act shall take effect one year after its passage.