

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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GORDON J. MACDONALD  
ATTORNEY GENERAL



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November 7, 2019

Elizabeth McClain  
Town Clerk  
Hanover Town Hall  
P.O. Box 483  
Hanover, NH 03755  
(603) 643-0742

Dear Ms. McClain:

You state in the Declaration filed in *Casey v. Gardner* that you are confused about the effect of HB 1264. Media outlets have reported similar statements attributed to you. This letter sets forth in simple terms the effect of this law.

1. HB 1264 amended New Hampshire's statutory definitions of resident and residence. As a result of the amendment, resident and residence now have the same meanings as domiciliary and domicile.
2. As has been previously communicated in written guidance and at election official training, HB 1264 made no changes to New Hampshire's election laws. It remains the law that to vote in New Hampshire, one must be a United States citizen, at least 18 years old, and a domiciliary of the ward or town.
3. Any number of actions can indicate that an individual has established a particular place as his or her domicile. Registering to vote requires that an individual has established a domicile here and, therefore, the individual is a New Hampshire resident.
4. Once one establishes residency in New Hampshire, New Hampshire law requires new residents to take certain actions. Obligations for new residents have not changed, and these obligations should be very familiar to municipal officials. Under the motor vehicle code, an individual has 60 days upon establishing residence to obtain a New Hampshire driver's license, if they drive in the state, and to register a vehicle, if they own a vehicle in the state.

5. Anyone seeking to register to vote in New Hampshire is indicating that he or she has already established a domicile here. The obligation to comply with the motor vehicle code requirements begins at the time an individual establishes his or her domicile in New Hampshire. No one can be denied the right to register to vote or vote for failing to meet the requirements of the motor vehicle code.

Sincerely,



William M. Gardner  
Secretary of State



Gordon J. MacDonald  
Attorney General



Robert L. Quinn  
Commissioner of  
Department of Safety

cc: All Election Officials via ElectionNet