



**NEW HAMPSHIRE SECRETARY OF STATE**  
**David M. Scanlan**

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July 25, 2025

Maureen Riordan  
Acting Chief, Voting Section  
Civil Rights Division

Michael E. Gates  
Deputy Assistant Attorney General  
Civil Rights Division

Via email: [Voting.Section@usdoj.gov](mailto:Voting.Section@usdoj.gov)

Dear Chief Riordan and Deputy Assistant Attorney General Gates,

This letter is arranged in two parts. It begins with several prefatory notes. After that, the letter turns to the Secretary's answers to your questions. Please let our office know if you need any follow-up.

**I. Prefatory Remarks**

New Hampshire is somewhat unique when it comes to applicable federal election laws. Although your letter requests information related to the Help America Vote Act (HAVA), 52 U.S.C. § 20901 *et seq.*, some of the questions overlap with requirements under the National Voter Registration Act (NVRA), 52 U.S.C. § 20501 *et seq.* New Hampshire is exempt from the NVRA. See 52 U.S.C § 20503(b)(2).

Some of the questions ask for information that pose cybersecurity risk if disclosed. As you know, the Department of Homeland Security regards election systems and assets as "critical infrastructure," defined by Congress as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." 42 U.S.C. § 5195c(e). Regardless of the fact that election systems and assets are critical infrastructure, divulging any cybersecurity information could harm the integrity of the systems. Therefore, our responses to questions regarding database infrastructure may be limited depending on the nature of the question.

As a final note, New Hampshire law requires the Secretary of State to prepare and distribute an election procedure manual prior to every state general election. RSA

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(603) 271-3242 | [elections@sos.nh.gov](mailto:elections@sos.nh.gov)

652:22. The most recent version was issued in 2024 and can be found on the Secretary of State's website.

## **II. Secretary of State Responses**

### **1. Describe how the State processes new applications to register to vote for elections for federal office, as required by HAVA Section 303.**

In New Hampshire, voter registration is processed at the municipal level through locally elected election officials called "supervisors of the checklist" or, in some cities, appointed "registrars." See *generally* RSA Chapter 654. A voter can only become registered by their approval during public sessions held at regular intervals and on election day. *Id.*

A person can apply to the supervisors several ways. They can submit applications in person either at the town clerk's office, directly to the supervisors at their public session, or to the supervisors on election day. RSA 654:8–11. Qualified uniformed and overseas voters (UOCAVA) can register via the federal postcard application. A qualified voter can also register absentee if they are absent or have a physical disability. See RSA 654:3; 654:16; 654:20. Once a voter has submitted their application and proof of qualification, the supervisors must determine if they are qualified. RSA 654:12. In New Hampshire, voters must prove that they are qualified by submitting supporting documentation for age, identity, citizenship, and domicile. See *id.* A list of acceptable documentation can be found here: [www.sos.nh.gov/elections/register-vote](http://www.sos.nh.gov/elections/register-vote).

If the supervisors vote to approve a voter's registration, they add the voter's information to the Statewide Voter Registration System (SVRS). RSA 654:13.

### **2. Describe the process by which New Hampshire assigns a unique identifier to each legally registered voter in New Hampshire, as required by HAVA Section 303(a)(1)(A).**

Every voter has a unique nine-digit identification number. These numbers are assigned automatically through the SVRS as voters are added.

### **3. Describe how the statewide voter registration list is coordinated with the databases of other state agencies, as required by HAVA Section 303(a)(1)(A). Provide the name of each state database used for coordination, and describe the procedures used for the coordination as well as how often the databases are coordinated with the statewide voter registration list.**

RSA 654:45, IV(b) provides that "Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records." The statute goes on to say that the database "may be linked to the state agency or division charged with maintaining vital



records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information contained in the voter database.” *Id.* The coordination of this data ensures the voter registration records are corrected when a voter dies, becomes an incarcerated felon, or willfully violates election law.

In sum, the SVRS data maintained by the Secretary of State is coordinated with databases managed by the Secretary of State – Division of Vital Records and Department of Safety – Division of Motor Vehicles. Information from these databases is received daily.

**4. Describe the process by which any duplicate voter registrations are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(B)(iii). Please include an explanation of how the State determines what constitutes a duplicate voter registration record.**

HAVA Section 303(a)(2) requires list maintenance be conducted pursuant to the NVRA. See 52 U.S.C. § 21083(a)(2)(A)(i)—(iii). As stated in the prefatory remarks, New Hampshire is exempt from the NVRA. See 52 U.S.C § 20503(b)(2).

New Hampshire law does, however, instruct the Secretary of State on how to ensure voters are unique. RSA 654:45(b) requires the Secretary to “provide for a verification process that voters sharing a place and date of birth, along with a substantially similar name to include nicknames or likely maiden/married name changes, are unique voters.” If a voter “appear[s] to be a duplicate, that information shall be forwarded to the supervisors of the checklist of the cities or towns involved for review and confirmation. The supervisor of the checklist shall notify the secretary of state of the result of such review, and should the records show that a single individual may have voted more than once in any election such information shall be forwarded to the attorney general for further investigation or prosecution.” *Id.*

Moreover, RSA 654:45, VIII(a) permits—though does not require—the Secretary of State to “enter into an agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states.” If duplicate matches are found, the statute requires the Secretary to investigate. RSA 654:45, VIII(b). “If the investigation results in the inability to confirm the eligibility of a person or persons who voted, or there is reason to believe a person or persons voted who were not eligible, the secretary of state shall forward the results to the attorney general for further investigation or prosecution.” *Id.* If this occurs, then upon completion of the investigation “the attorney general and the secretary of state shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.” RSA 654:45, VIII(c). The Secretary of State is not currently comparing SVRS voter information with other states.



**5. Describe the process by which voters who have been convicted of a felony are identified and, if applicable under state law, removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(I).**

For purposes of removing names of ineligible voters from the official list, HAVA Section 303(a)(2)(A)(ii)(I) requires coordination with State agency records on felony status be conducted pursuant to the NVRA. See 52 U.S.C. § 21083(a)(2)(A)(ii)(I). As stated in the prefatory remarks, New Hampshire is exempt from the NVRA. See 52 U.S.C § 20503(b)(2).

In New Hampshire, persons convicted of a felony cannot vote while incarcerated. See RSA 607-A:2, I(a). The Secretary of State's Office receives records from the New Hampshire Department of Corrections, the New Hampshire Attorney General's Office, Attorney General Offices from other states, and the United States Attorney's Office/Department of Justice. This ensures that the database is accurate, supervisors are notified, and the incarcerated felons are removed from the checklist.

**6. Describe the process by which deceased registrants are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(II).**

For purposes of removing names of ineligible voters from the official list, HAVA Section 303(a)(2)(A)(ii)(II) requires coordination with State agency records on death be conducted pursuant to the NVRA. See 52 U.S.C. § 21083(a)(2)(A)(ii)(II). As stated in the prefatory remarks, New Hampshire is exempt from the NVRA. See 52 U.S.C § 20503(b)(2).

RSA 5-C:4 requires the Secretary to "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. Where there is not a full match of name, date of birth, and residence, the secretary of state shall provide information of partial matches for further review and confirmation by the town or city pursuant to paragraph V." Further, that statute requires the state registrar to then "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."

For out-of-state deaths, where the decedent's address is listed as New Hampshire, this information is uploaded in our vital records system which in turn is uploaded in SVRS.

When the municipal clerk receives an official notice of death or a notice of death record under RSA 5-C:4, the clerk "shall notify the supervisors of the checklist of said deaths by submitting a notice of same to the supervisors at their next regular meeting." RSA 654:37. The supervisors, upon such notice, "shall examine the checklist; and, if the name of said deceased person appears thereon, it shall be removed." *Id.*



When the supervisors “learn of the death of a voter but do not receive notice as outlined in RSA 654:37, they shall mail to the last known address of the voter a 30-day letter specifically for updating the checklist upon the death of a voter. Such letter shall include the contact information for the supervisors of the checklist to which a response may be sent. If there is no response within 30 days, the supervisors will remove that voter's name from the checklist. If there is a response confirming the death within 30 days, the supervisors may remove the voter's name upon receipt of the confirmation of death.” RSA 654:37-a.

**7. Describe all technological security measures taken by the State to prevent unauthorized access to the statewide voter registration list, as required by HAVA Section 303(a)(3).**

RSA 654:45, VI provides that the SVRS “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 this section shall be guilty of a misdemeanor.”

The Secretary of State has implemented robust security measures to prevent unauthorized access to the SVRS. Some of the measures include penetration testing, strict password requirements, dark web monitoring, and training of local election officials on cybersecurity. Any further details on the technological security measures of the SVRS pose a cybersecurity risk.

**8. Describe the process by which voters who have moved outside the State and subsequently register to vote in another state are identified and removed from the statewide voter registration list, under HAVA Section 303(a)(4)(A).**

HAVA Section 303(a)(4)(A) requires States to implement file maintenance systems consistent with the NVRA. See 52 U.S.C. § 21083(a)(4)(A). As stated in the prefatory remarks, New Hampshire is exempt from the NVRA. See 52 U.S.C § 20503(b)(2).

New Hampshire law provides several mechanisms for identifying voters who have moved outside the State. RSA 654:13, III requires the Secretary of State to “provide information on individuals who report being previously registered to vote out of state to the chief elections officer of that state.” Further, it provides that the Secretary “shall pursue establishing routine secure electronic transfers of this information between states.” *Id.* This electronic transfer is then linked to the SVRS, allowing supervisors to be notified when a registered voter in their municipality has registered in another state. *Id.*



If a supervisor receives such notification, RSA 654:36 provides that “they shall strike that name from the checklist at the next session for the correction of the checklist.” In the same vein, RSA 654:36-b instructs that if “the supervisors of the checklist receive a report from the United States Postal Service or the department of safety directly or as communicated by the secretary of state through the centralized voter registration database that a 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. The supervisors of the checklist shall retain the report in accordance with RSA 33-A:3-a. 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.

The Secretary of State receives National Change of Address notifications from the Postal Service and uploads them into the SVRS to notify the supervisors.

**9. Describe the process by which registrants who are ineligible to vote due to non-citizenship are identified and removed from the statewide voter registration list.**

RSA 654:12, I requires applicants to present proof of citizenship (among other things) to the supervisors or clerks. The statute lays out several types of acceptable documents to prove citizenship: “the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, or any other reasonable documentation which indicates the applicant is a United States citizen.” RSA 654:12, I(a).

It is the job of the supervisors to ensure that the checklist contains the names of only qualified voters. See RSA 654:28 (“The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election.”).

The supervisors engage in the following procedure to remove names from the list based on lack of qualifications. Any person (including a supervisor or clerk) “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.” RSA 654:36-a, I. At their next session, the supervisors “examine the requests and determine whether or not it is more likely than not that the person's qualifications are in doubt.” *Id.* “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, II.



- 10. HAVA requires states to verify voter registration information by mandating that applicants provide certain information under HAVA Section 303(a)(5). Please provide a copy of the voter registration application(s) utilized for in-person voter registration, a link to the State's online voter registration application, and, if applicable, the voter registration application used for same-day registration.**

New Hampshire does not have an online voter registration form. Please see the attached in-person voter registration form. There is not a different form used for same-day registration. New Hampshire also accepts the federal postcard application form from qualified UOCAVA voters.

- 11. Please describe the verification process under HAVA Section 303(a)(5) that election officials perform to verify the required information supplied by the registrant. Please describe what happens to the registration application if the information cannot be verified.**

RSA 654:12 governs qualifications of applicants to register to vote. It requires applicants to present proof of citizenship, age, domicile, and identity to the supervisors or municipal clerks. A list of acceptable documentation can be found here: [www.sos.nh.gov/elections/register-vote](http://www.sos.nh.gov/elections/register-vote).

As for what happens if an applicant's information cannot be verified, RSA 654:12, V provides that "Any dispute as to whether a person has met the requirements to register to vote or to vote shall be decided by the election official of the town or ward in charge of voter registration or in charge of the polling place if the dispute arises at the polling place." RSA 654:12, V.

RSA 654:13, II instructs supervisors that if they "decide not to add the name of the applicant to the checklist, they shall send notification in writing to the applicant within 7 days stating the reason for the denial. They shall write the word 'REJECTED' and the date of rejection across the registration form." To help ensure a rejected registrant's rights are not violated, the Secretary of State trains local election officials to contact the New Hampshire Attorney General's Office if they reject an application on election day.

- 12. Provide a copy of the current agreement, under HAVA Section 303(a)(5)(B)(i), between the chief State election official and the State's motor vehicle authority.**

Please see the attached memorandum of understanding between the New Hampshire Secretary of State and the New Hampshire Department of Safety – Division of Motor Vehicles.

- 13. Provide a copy of the current agreement between the official responsible for the State's motor vehicle authority and the Commissioner of Social Security Administration under HAVA Section 303(a)(5)(B)(ii).**

The Secretary of State does not possess the current agreement between the New Hampshire Department of Safety – Division of Motor Vehicles and Commissioner of Social Security Administration. The Division of Motor Vehicles can be contacted at:

New Hampshire Department of Safety  
Division of Motor Vehicles  
23 Hazen Drive  
Concord, NH 03305  
(603) 227-4000

**14. Under HAVA Section 303(b), describe the State's requirements for an individual to vote if the individual registered to vote by mail and has not previously voted in an election for federal office in the State.**

HAVA Section 303(b) requires States to comply with the NVRA in establishing requirements for voters who register by mail. *See generally* 52 U.S.C. § 21083(b). As stated in the prefatory remarks, New Hampshire is exempt from the NVRA. *See* 52 U.S.C § 20503(b)(2).

As noted in Question 1, voters can register absentee if they are temporarily absent or have a physical disability. *See* N.H. CONST. pt. I, art. 11; RSA 654:3; 654:16.

**15. Please send us New Hampshire's current statewide voter registration list. Please include both active and inactive voters.**

New Hampshire law authorizes the Secretary of State to release the statewide voter registration list in limited circumstances not applicable here. RSA 654:31, IV permits the Secretary to, upon request, provide a political party, political committee, or candidate for county, state, or federal office, "a list of the name, domicile address, mailing address, town or city, voter history, and party affiliation, if any, of every registered voter in the state."

That said, each municipality's public checklist can be obtained from their respective supervisors or clerks. *See* RSA 654:31, II ("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."). Contact information for each of the city and town clerks can be found at [app.sos.nh.gov/clerkinformation](http://app.sos.nh.gov/clerkinformation).

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Scanlan", with a large checkmark to the left.

David M. Scanlan  
New Hampshire Secretary of State



## **Memorandum of Understanding**

### **Help America Vote Act Implementation and Enhanced Data Exchange for Database Accuracy**

#### **Between the New Hampshire Department of State And the New Hampshire Department of Safety, Division of Motor Vehicles**

The Department of State (hereinafter "State"), by and through the Secretary of State, and the New Hampshire Department of Safety, Division of Motor Vehicles (hereinafter "Safety"), by and through its Director, enter into this Memorandum of Understanding (hereinafter "MOU"), and agree to collaborate in the exchange of data as authorized by and to satisfy the requirements of the Help America Vote Act of 2002 ("HAVA"); RSA 654:45; RSA Chapter 5-C, and to enhance public safety, homeland security, and service to the public by ensuring that Safety and State databases are accurate.

Whereas, public safety, homeland security, and the legitimacy of elections are enhanced when Safety and State registration systems exchange data that will help prevent a person from using a fraudulent address or the identity of a deceased person to obtain a driver's license, to register a motor vehicle, or to register to vote; and

Whereas, Safety and State have a common statutory duty to protect the privacy interests of persons whose private data is collected and stored in data bases; and

Whereas the federal Help America Vote Act of 2002, requires State to match new voter registration records with Safety's records or if the person has no driver's license or State issued non-driver ID, through Safety with the United States Social Security Administration; and

Whereas RSA 654:45 authorizes State and Safety to link their records systems for the purposes of complying with the Help America Vote Act and ensuring the accuracy of data in the voter database; and

Whereas RSA 654:45 provides that the voter database is private and confidential and makes unauthorized disclosure of data from the voter database a misdemeanor; and

Whereas RSA chapter 5-C authorizes the disclosure of certain information to state agencies and law enforcement who have a direct and tangible interest in the record and it is agreed that Safety has a direct and tangible interest in information on the death of persons who are licensed to drive, have been issued non-driver identification, or who have registered motor vehicles in the State and further recognizing that the one function of the Division of Vital Records is to assure the privacy of data maintained on individuals, therefore;

The parties agree that State and Safety shall provide the other limited access to Vital Records, Voter Registration, Driver Licensing, and Motor Vehicle databases to the minimum extent necessary to prevent fraudulent voter or motor vehicle registration or driver licensing.

**I. Social Security Administration Costs.**

- A. State agrees to pay all costs and fees charged to Safety by the Social Security Administration (“SAA”), whether charged directly or through the American Association of Motor Vehicle Administrators (“AAMVA”), for services directly related to establishing, maintaining, and using the social security number verification system required by HAVA. Safety agrees to promptly transmit all invoices from the SSA or AAMVA for services and the periodic bills for the per record verification to State’s offices in room 204 the Statehouse.
- B. Safety agrees to enter into an agreement with the Social Security Administration to obtain voter registration information verification system services and to provide those services to State.


**II. Internal Costs**

Safety and State agree that the costs and benefits of the mutual exchange of data from State to Safety on deaths and from Safety to State on driver’s license, non-driver identification, and motor vehicle registration present both Departments with approximately equal costs and benefits. Each agrees to bear its own costs in providing the data and mechanisms of exchange. Safety and State agree to cooperate in providing the other with access to data files of street lists and any other data which can be lawfully exchanged in the interest of minimizing the development and maintenance costs of databases for both departments.

**III. Miscellaneous Provisions**

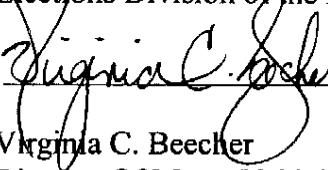
- A. The parties agree that the Memorandum of Understanding shall continue in force until terminated by either party by serving written notice on the other no less than 60 days prior to the effective date of the termination.
- B. Nothing in this agreement shall be deemed a waiver of the doctrine of sovereign immunity on the part of the State of New Hampshire.
- C. The term of this agreement shall commence as of the date signed and shall continue until terminated as per (a) above.



Signed:  Date 12-30-05

William M. Gardner  
Secretary of State

For the Division of Vital Records and For the  
Elections Division of the Department of State

Signed:  Date 12/29/05

Virginia C. Beecher  
Director Of Motor Vehicles,  
New Hampshire Department of Safety

PLEASE PRINT OR TYPE

## NEW HAMPSHIRE VOTER REGISTRATION FORM

RSA 654:7

1. LAST NAME (including suffix)		FIRST NAME	FULL MIDDLE NAME		<b>NEW REGISTRATION.</b> I am not registered to vote in NH  <b>TRANSFER.</b> I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire.  <b>NAME CHANGE / ADDRESS UPDATE.</b> I am registered to vote in this town/ward and have changed my name/address.
2. DOMICILE ADDRESS (Street & House (Apt.) Number)		TOWN OR CITY	WARD NUMBER	ZIP CODE	
3. MAILING ADDRESS (If different than in 2.)(Street & House (Apt.) Number)		TOWN OR CITY	STATE	ZIP CODE	
4. PLACE OF BIRTH (Town/City and State)			DATE OF BIRTH		
5. ARE YOU A CITIZEN OF THE UNITED STATES? YES _____ NO _____	IF A NATURALIZED CITIZEN, GIVE NAME OF COURT WHERE NATURALIZED (Town/City and State)		DATE NATURALIZED		
6. PLACE LAST REGISTERED TO VOTE:  I am not currently registered to vote elsewhere (initial here _____), or  I request that my name be removed as a registered voter in (fill in your address where previously registered, street, city/town, state, and zip code)  _____ (initial here _____)					
7. NAME UNDER WHICH PREVIOUSLY REGISTERED, IF DIFFERENT FROM ABOVE			8. PARTY AFFILIATION (if any)		
9. DRIVER'S LICENSE NUMBER	STATE	IF YOU DO NOT HAVE A VALID DRIVER'S LICENSE, PROVIDE THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER _____			

My name is \_\_\_\_\_, I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire. If a city, ward number \_\_\_\_\_.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. I understand that my domicile for voting is that one place, more than any other place, where I have established a physical presence and manifested an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated ward/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date: \_\_\_\_\_

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.***



Received by \_\_\_\_\_

Approved by \_\_\_\_\_ Date: \_\_\_\_\_  
SUPERVISOR OF CHECKLIST/REGISTRAR OF VOTERS

November 11, 2024