



Gordon J. MacDonald
Attorney General

Ann M. Rice
Deputy Attorney General

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DELIVERED VIA EMAIL OR HAND

Peter Imse
Don Riley
Rene Ouelett
H. Clark Thyng
James Townsend
Nicholl Marshall
Verna Perry

Re: Valid forms of identification that voters can use for voting

Dear Moderators Imse, Riley, Ouelett, Thyng, Townsend, Marshall and Perry:

Recently there has been some confusion regarding the use of different forms of identification by voters. Because you have an election on Tuesday, July 25, we are reaching out to you to review the law regarding voter identification.

RSA 659:13, I(b) provides that a voter “shall be asked to present proof of his or her identity” when checking in with the ballot clerk. In order for a photo identification to be valid, it “shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual’s voter registration record; it also shall show a photograph of the individual to whom the identification was issued.” The photo identification shall also not have been expired for more than 5 years, except that “a voter 65 years of age or older may use an otherwise qualified form of identification without regard to expiration date, and except that student identification cards shall comply with the date requirements in subparagraph (5).” RSA 659:13, II(a).

The following are statutorily acceptable forms of photo identification:

- (1) a driver's license issued by any state or the federal government;
- (2) an identification card issued under RSA 260:21 or a nondriver's identification card issued by the motor vehicles division, department, agency, or office of any other state;
- (3) a United States armed services identification card;
- (4) a United States passport or passcard;
- (5) a valid student identification; or
- (6) a challenged voter affidavit in accordance with subparagraph I(c).

As moderators, you also have discretion to accept certain other forms of photo identification not listed in RSA 659:13, II(a)(1)-(6). Specifically, RSA 659:13, II(a)(7) provides that a voter can present "[a] photo identification not authorized by subparagraphs (1) through (6) but determined to be legitimate by the supervisors of the checklist, the moderator, or the clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenge voter affidavit as if no identification was presented."

In order for a moderator to accept an identification under this provision, you must ensure that the photo identification meets the threshold requirements for any valid photo identification under RSA 659:13, II(a). Accordingly, any identification that you deem legitimate for voter check-in, must, at the very least, contain a photo of the individual to whom the photo identification was issued and the individual's name. For those voters under the age of 65, the photo ID also must not have been expired for more than five years.

Identification cards presented that do not have a photograph on them shall not be accepted under any circumstances as a valid voter identification.

Please do not hesitate to contact me if you have any questions. Additionally, we will have our elections hot line open on Tuesday if you should require any assistance.

Sincerely,

Anne M. Edwards
Associate Attorney General
(603) 271-3650
anne.edwards@doj.nh.gov

cc: