

<p>Subject:</p> <p><i>Assistance to Certain Students with Disabilities in Registering to Vote</i></p> <p>Date issued: Nov. 1, 2022</p>	<p>Legal Reference—HB 1594 (2021-2022 legislative session)</p> <ul style="list-style-type: none"> • RSA 186-C:8-a
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This Technical Advisory continues the New Hampshire Department of Education’s communication regarding new legislation, which was passed during the 2021-2022 legislative session. HB 1594, created a new section within the Special Education law to require, for a student who is 17 or older, that an individualized education program (IEP) team or Section 504 planning team discuss voter registration as an appropriate community living and citizenship training goal or competency to be included in the IEP or Section 504 plan.

During the 2021-2022 legislative session, HB 1594 was passed into law, which created a new section in the Special Education law, RSA 186-C:8-a. This new statute provides that, for a student who is 17 or older, when an individualized education program (IEP) team or planning team for Section 504 accommodations meet for the purposes of reviewing or developing the respective plan, that the team discuss voter registration as an appropriate community living and citizenship training goal or competency to be included in said plan. The law does not establish a cognitive capacity threshold to vote—the presumption is in favor of the individual voting. An individual who can understand relevant voter registration information and make autonomous choices, assuming all other voter registration information as set forth below is met, would presumably, be eligible to vote. Autonomous choices may be expressed by any means of communication that a stranger can understand. Therefore, if it is determined that voter registration is an appropriate goal to be included in an IEP for a particular student based upon the individual’s particular disability, then the plan should also address when and how voter registration should be accomplished and similarly, be included in the respective plan.

School districts should take this opportunity to review their files for any student who might fall within this necessary age range, with a particular emphasis on students whose post-secondary transition ambitions or services address community living and citizenship goals.

Voter Registration Information:

A person must meet the following to register and vote in New Hampshire:

- 18 years of age or older on election day;
- A United States citizen; and
- Domiciled in the town or ward where the person seeks to vote.

The applicant needs to provide proof of identity, age, citizenship, and domicile to register. Proof can be either by documents or by affidavit if such documents are not available and may be presented in paper or electronic form.

Applications for voter registration are made with the town or city clerk of the town or city where the applicant currently has domicile and is their primary residence. An applicant can also apply directly to the Supervisor of the Checklist, called Registrar in some cities. Applications submitted to a clerk must be reviewed and approved by the Supervisor of the Checklist. The town or city clerk can provide information on when the next meeting of the Supervisor of the Checklist will be held if in-person application will be made.

For more information visit: <https://www.sos.nh.gov/elections/voters/register-vote>

The Secretary of State and the Attorney General publish “Registering to Vote in New Hampshire” which provides additional information, including a description of the types of documents that satisfy each qualification. This document is available at:

<https://www.sos.nh.gov/elections/voters/register-vote/registering-vote-new-hampshire>

Prohibition on Electioneering while in the performance of official duties:

Public employees, as defined in RSA 273-A:1, IX, and which includes public school employees, while in the performance of their official duties are **prohibited from acting in any way specifically designed to influence the vote of a voter on any question or office**. Public employees shall not use government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers for electioneering. Violation of these prohibitions is a misdemeanor. RSA 659:44-a; RSA 652:16-h. The town/city clerk and the supervisors of the checklist are similarly required to be non-partisan, to avoid any electioneering, while receiving or processing a voter registration application. Students asking which candidate(s) or party to vote for should be directed to publicly available non-partisan resources and/or encouraged to seek information from individuals the student knows and trusts who are not a public employee in the performance of their official duties.

HB 1594 became effective August 16, 2022.

For questions related to this Technical Advisory, please contact:

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