

Frequently Asked Questions About ESTABLISHING A DOMICILE/RESIDENCE IN NEW HAMPSHIRE

The Secretary of State, Attorney General, and Commissioner of the Department of Safety published these Frequently Asked Questions (FAQs) on their web sites. Clerks, Supervisors, and Moderators are encouraged to print this document. If asked any of these questions, use the answer provided. This is a public document. You may provide anyone a copy.

This joint guidance is provided in consultation with the Attorney General's Office. The following guidance on voter registration is provided by the Secretary of State. The following guidance on the motor vehicle laws is provided by the Commissioner of the Department of Safety.

For more information see Registering to Vote in New Hampshire set forth above.

For election-related questions, please contact:

- Secretary of State: elections@sos.nh.gov
- Attorney General: electionlaw@doj.nh.gov

For more information about becoming a new resident for vehicle registration and driver license purposes, please visit: <https://www.dmv.nh.gov/vehicles-boats-or-titles/vehicle-registrations/new-resident-new-hampshire>

(Last visited 8/4/2022)

For motor vehicle related questions, please contact:

- e-mail: NH.DMVHelp@dos.nh.gov
- Driver Licensing (603) 227-4020
- Vehicle Registration (603) 227-4030

FREQUENTLY ASKED QUESTIONS

Question 1

Q. Are the terms “domicile” and “residence” equivalent?

A. Yes. The terms “domicile” and “residence” are equivalent. Even though RSA 21:6-a and RSA 654:1 contain different words, they convey the same basic concept. When a person makes a town or ward in New Hampshire his or her principal place of physical presence to the exclusion of all other places, that person has established a domicile/residence.

Question 2

Q. How do I establish domicile/residence in New Hampshire?

A. You make a town or ward in New Hampshire your principal place of physical presence to the exclusion of all other places. Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (i.e. primary) house or apartment, obtaining a resident vehicle

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registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents, etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1.

For College/University students seeking to establish a domicile/residence in New Hampshire please see Frequently Asked Question 8 for more information. See RSA 654:1, I-a.

Question 3

Q. If I establish a domicile/residence in New Hampshire and drive in New Hampshire, do I have to get a New Hampshire driver's license?

A. Yes. A person who establishes a domicile/residence in New Hampshire and drives in New Hampshire must obtain a New Hampshire driver's license within 60 days of establishing his or her domicile/residence. See: RSA 21:6; RSA 21:6-a; RSA 263:1; and RSA 263:35. Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (i.e. primary) house or apartment, obtaining a resident vehicle registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents, etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1.

For information on what satisfies proof of domicile/residence for the purposes of obtaining a driver's license please visit:

- <https://www.dmv.nh.gov/drivers-licensenon-driver-ids/real-id> (For US Citizens to obtain a Real ID); (Last visited 8/4/2022) or
- <https://www.dmv.nh.gov/drivers-licensenon-driver-ids/apply-your-first-drivers-licensenon-driver-id> (for non-Real ID licenses); (Last visited 8/4/2022) or
- <https://www.dmv.nh.gov/drivers-licensenon-driver-ids/non-us-citizen> (for non-citizens to obtain a Real ID-non-citizens may not register to vote or vote) (Last visited 8/4/2022)

For frequently asked questions regarding how to register to vote in New Hampshire please visit: <https://sos.nh.gov/elections/information/faqs/>. (Last visited 8/4/2022) For examples of documents showing actions recognized in law as establishing a domicile/residence, see Registering to Vote in New Hampshire above.

Question 4

Q. If I establish a domicile/residence in New Hampshire and own a vehicle used in New Hampshire, do I have to register that vehicle?

A. Yes. A person who establishes domicile/residence in New Hampshire and owns a vehicle used in New Hampshire must register the vehicle in New Hampshire within 60 days of establishing his or her domicile/residence. RSA 261:45. You may register your vehicle with your local town or city officials. The fee for vehicle registration is in part for the use of the town or city where the owner resides. See: RSA 261:153; RSA 261:165. These funds are available to help cover the costs of maintaining roads. Registering a car you own and use in New Hampshire, in part, is paying your share of road maintenance costs.

Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (i.e. primary) house or apartment, obtaining a resident vehicle registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents,

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etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1.

Question 5

Q. If I establish domicile/residence in New Hampshire, hold a driver's license from another state, but do not drive in New Hampshire, do I have to get a New Hampshire driver's license?

A. No. A person who establishes a domicile/residence in New Hampshire and does not drive in New Hampshire is not required to obtain a New Hampshire driver's license. RSA 259:24; RSA 259:25; RSA 263:1; RSA 263:35.

Question 6

Q. If I establish domicile/residence in New Hampshire and drive a motor vehicle in New Hampshire owned by a person who resides in another state, do I have to register that vehicle in New Hampshire?

A. It depends. Only the owner of a motor vehicle can register that vehicle. For registration purposes, an "owner" of a motor vehicle is either a person holding title to that vehicle or a person having the exclusive right to the use of that vehicle for a period of greater than 30 days. RSA 259:72, I. Thus, if you do not have the exclusive right to use the vehicle for a period of greater than 30 days, you do not need to register the vehicle in New Hampshire. RSA 259:72, I. If, however, you have the exclusive right to the use of that vehicle for a period of greater than 30 days, you must register that vehicle in New Hampshire, even if you do not hold title to that vehicle. RSA 259:72, I.

Question 7

Q. Do I need a New Hampshire driver's license to register to vote and to vote?

A. No.

To vote you must be:

- 18 years of age or older on election day;
- A United States Citizen;
- Domiciled in the town or city ward where you plan to vote.

RSA 654:1.

You should bring proof of these qualifications to register. If you do not have proof or forgot to bring proof, then you can sign an affidavit attesting to any of these qualifications.

No one can be denied the right to register to vote or vote for being out of compliance with the requirements of the motor vehicle code.

Question 8

Q. Can I register to vote and vote where I attend College/University in New Hampshire?

A. Yes. In New Hampshire, a person attending College/University, or any other institution of learning, may register to vote and vote in the town or ward where he or she has established his or her domicile/residence while attending school. RSA 654:1.

New Hampshire law explicitly recognizes campus housing, including a dorm room, as a lawful domicile. RSA 654:1, I-a. A useful list of documents you may use to register to vote can be found above in Registering to Vote in New Hampshire.

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A student residing off campus, who establishes a domicile/residence in New Hampshire, may only register to vote in the town or ward where he or she resides. RSA 654:1.

Question 9

Q: I have registered to vote in New Hampshire, and I have an out-of-state driver's license, but I do not drive here. Do I need to do anything?

A. No. Anyone registering to vote in New Hampshire is indicating that he or she has established a domicile/residence here. A person who establishes a domicile/residence in New Hampshire and does not drive in New Hampshire is not required to obtain a New Hampshire driver's license. RSA 259:24; RSA 259:25; RSA 263:1; RSA 263:35.

Question 10

Q: I have registered to vote in New Hampshire, but I have an out-of-state driver's license and I drive here. What should I do?

A: Anyone registering to vote in New Hampshire is indicating that he or she has established a domicile/residence here. Once one establishes domicile/residence in New Hampshire, New Hampshire law requires that person to take certain actions. Under the motor vehicle code, a person has 60 days upon establishing domicile/residence to obtain a New Hampshire driver's license, if they drive here, and to register a vehicle, if they own a vehicle in the state.

Question 11

Q. Can I obtain a New Hampshire driver's license using my campus housing (e.g. my dorm room) as the "address where you live" on the driver's license application?

A. Yes. The Division of Motor Vehicles accepts proof of such residence in order to register your vehicle and/or to obtain a driver's license. A list of other documents that may be used as proof of residence can be reviewed online at:

<https://www.dmv.nh.gov/drivers-licensenon-driver-ids/real-id> (to obtain a Real ID) Or
<https://www.dmv.nh.gov/drivers-licensenon-driver-ids/apply-your-first-drivers-licensenon-driver-id> (for non-Real ID licenses) (Last visited 8/4/2022)

RSA 21:6; RSA 259:88; RSA 263:5-e.

Any person who already holds a New Hampshire driver's license or has a vehicle registered in New Hampshire has a duty to notify the Division of Motor Vehicles within 30 days of a change to his or her domicile/residence or his or her mailing address. RSA 263:9.

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