

Key Points from Attorney General and Secretary of State April 10, 2020 Guidance on Absentee Ballot Voting during COVID-19 State of Emergency

April 13, 2020

- MUNICIPAL ELECTIONS IN 2020:
 - Due to COVID-19, more voters may conclude that a “physical disability” or “employment obligation” exists permitting them to vote via absentee ballot
 - Under RSA 657:1, voters may vote by absentee ballot in municipal elections in a variety of situations:
 - Voter “will be absent on the day of the election”, meaning:
 - They will be physically absent from the municipality that day, or
 - Will be unable to appear due to an “employment obligation”
 - “Employment obligation” includes not only scheduled work hours and commuting, but ALSO care of children or infirm adults, with or without compensation, now interpreted to include care for a person quarantined for COVID-19, including self-quarantine based on general medical advice issued to the public by health officials
 - IN OTHER WORDS: A voter caring for a person quarantined for COVID-19 is deemed to have an “employment obligation” that will cause them to be absent on the day of the election.
 - Voter cannot appear due to the observation of a religious commitment
 - Voter cannot vote in person “by reason of a disability”
 - Includes any medical condition where medical advice is that the voter not go out in public
 - Now interpreted to include a voter who is quarantined (including self-quarantine) due to COVID-19. Do not need individualized advice from voter’s physician; compliance with general medical advice issued to the public by health officials is sufficient.
 - IN OTHER WORDS: Any voter staying home pursuant to general medical advice given to the public by health officials to avoid

places like a polling place, whether symptomatic or not, may conclude they cannot vote in person “by reason of a disability.”

- Local officials concerned about the legitimacy of any absentee ballot should contact the Attorney General’s Office.
- SEPTEMBER 8, 2020 PRIMARY AND NOVEMBER 3, 2020 GENERAL ELECTIONS:
 - State anticipates voters may be apprehensive about voting in person on these dates (although the exact course of the COVID-19 pandemic is still unknown)
 - Therefore: Any voter is deemed to be unable to vote in person due to “disability” if they are ill from COVID-19 or fear that voting in person may expose themselves or others to COVID-19, and may request an absentee ballot.
 - State expects to issue additional guidance for these elections