



October 21, 2020

New Hampshire Republican State Committee
10 Water Street
Concord, N.H. 03301

TRANSMITTED BY ELECTRONIC MAIL

Assistant Attorney General Nicholas A. Chong Yen
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

Re: Registration and Voting by Remote Learners

Dear Attorney Chong Yen:

This will acknowledge and thank you for your letter of earlier today. While you have responded to the two summary points in the first paragraph of our October 15 letter, and confirmed that a student who has never lived in New Hampshire cannot register or vote here, you have not addressed the practical implications of the law as you have construed it.

So that we may consider what steps to take from here, please confirm that the following categories of students will be permitted to vote in New Hampshire by absentee or in person on November 3:

1. A student who (a) previously registered to vote in New Hampshire under RSA 654:1, I-a, (b) has since moved to another state where the student is eligible to register to vote, (c) does not have a New Hampshire residence, and (d) **is distance learning at a school in New Hampshire this semester.**
2. A student who (a) previously registered to vote in New Hampshire under RSA 654:1, I-a, (b) has since moved to another state where the student is eligible to register to vote, (c) does not have a New Hampshire residence, and (d) **is not enrolled at a school in New Hampshire this semester.**
3. A student who (a) has previously attended school in New Hampshire in person but has not previously registered to vote here, (b) has since moved to another state where the student is eligible to register to vote, (c) does not have a New Hampshire residence, and (d) **is distance learning at a school in New Hampshire this semester.**
4. A student who (a) has previously attended school in New Hampshire in person but has not previously registered to vote here, (b) has since moved to another state where the student is

Paid for and authorized by the New Hampshire Republican State Committee.
Not authorized by any candidate or candidate's committee.



eligible to register to vote, (c) does not have a New Hampshire residence, and (d) **is not enrolled at a school in New Hampshire this semester.**

We would also note that even if RSA 654:1, I-a, could be read to be a grant of domicile equivalent to that of full-time residents of the state – which is plainly not the case given the statutory conditions imposed on the claim of domicile and the fact that no other resident of New Hampshire may claim domicile either here or in the resident’s home state – we respectfully submit that the OAG’s construction of the temporary absence statute is incomplete. It is true that domicile established in accordance with RSA 654:1 is not lost until domicile is established elsewhere, but that begs the question of what constitutes establishing a domicile elsewhere. If moving out of the state, maintaining no abode in New Hampshire, and being eligible to register to vote in another state do not categorically establish a domicile elsewhere, it is difficult to imagine what would.

Please provide us with your responses to the four categories above in the next 48 hours.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean R. List", written in a cursive style.

Sean R. List, Esq.