

William M. Gardner
Secretary of State



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September 10, 2020

Mayor's Multicultural Advisory Council
One City Hall Plaza
Manchester, New Hampshire 03101

City Clerk Matthew Normand
Office of the City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

Dear members of the Multicultural Advisory Council and Clerk Norman:

Thank you for your letter of September 9, 2020 and your interest in ensuring all qualified United States citizens living in Manchester have access to the information they need to understand voter registration and the voting process.

The United States Congress has established in federal law a standard for when a voting jurisdiction is required to provide bilingual voting materials. See 52 U.S.C.S. §10503. That law provides that a state or political subdivision is subject to the bilingual voting materials requirement if :

(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient; (II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; . . . and (ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

52 U.S.C.S. §10503, (b), (1)(A). This law charges the Director of the Census to determine every 5 years, based on the American Community Survey census data, which states and political subdivisions are subject to the bilingual voting materials requirement. Currently neither the State of New Hampshire nor any political subdivision has been determined to be subject to this requirement.

The New Hampshire legislature has neither authorized, required, or funded, preparation of bilingual voting materials nor set standards for when public resources should be used for this purpose.

My office regularly works with and assists individuals and groups that seek to promote public understanding of elections and voting. We will be glad to assist, to the extent practical, anyone who wishes to create educational materials for voters who may have English as a second language.

In the past at least one city has, on its own initiative, prepared bilingual voting materials for the voters of their city. I am also sending this response to City Clerk Matthew Normand, as his office may be a resource for the advisory council. 2020 is presenting many unusual election administration challenges. An unprecedented increase in the use of absentee ballots has severely taxed the resources of clerk's offices statewide, so please keep in mind that this may be a difficult time to ask the clerk's office to take on additional voluntary efforts to create and publish bilingual voting materials.

Over the years, New Hampshire communities have assisted voters with English as a second language by recruiting voters from the community who are bilingual as town or ward election officials or poll workers. These individuals, often neighbors or friends of the voters who would benefit from assistance are often ideally situated to assist the voters with the registration and voting process. The Advisory Council may want to promote volunteering as poll workers among the bilingual voters in Manchester with the necessary language skills to assist other voters.

New Hampshire law requires that a voter delivering a completed absentee ballot to the clerk's office do so "personally," or have a delivery agent deliver it "personally." RSA 657:17. The Attorney General and my Office understand this law to prohibit use of an unattended drop box for receiving completed absentee ballots. A change to New Hampshire law would be required to authorize unattended absentee ballot drop boxes.

The City Clerk's office is open Monday through Friday from 8:00 AM to 5:00 PM, during which time a voter or a delivery agent for a voter may personally drop off a completed absentee ballot. My understanding is that the Manchester City Clerk has also been willing to make special arrangements to accommodate the voting needs of Manchester voters. Some New Hampshire communities have arranged special times when a staff member or trained designee of the clerk's office staffs an absentee ballot drop box at a location within the community after regular business hours and/or on a weekend to afford voters that additional opportunity to drop off their completed absentee ballots. If this would be helpful, I encourage you to discuss this with the City Clerk.

Sincerely,



William M. Gardner
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