

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

New Hampshire Youth Movement,

Plaintiff,

v.

David M. Scanlan, in his official
capacity as New Hampshire Secretary
of State,

Defendant.

Case No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff the New Hampshire Youth Movement (“Youth Movement”) files this Complaint for Declaratory and Injunctive Relief against Defendant David M. Scanlan, in his official capacity as New Hampshire Secretary of State. Plaintiff alleges as follows:

NATURE OF THE CASE

1. Last week, Governor Sununu signed HB 1569, a bill that will make it substantially harder—and in some cases impossible—for many New Hampshire citizens to register and vote. **The bill will not take effect until after the November 2024 election.** But when it does take effect, it will require new New Hampshire voters to show documentary proof of their citizenship—a birth certificate, passport,

naturalization papers, or other unspecified documentation—before they may cast a ballot. Under existing law, voters without such documentation may still vote by signing an affidavit attesting that they are citizens; under HB 1569 they will simply be out of luck.

2. HB 1569’s documentary proof of citizenship requirement is both unnecessary and unconstitutional. Governor Sununu has explained that New Hampshire’s elections—before HB 1569—were “secure, safe and reliable,” and that the state has “done it right 100% of the time for 100 years.” And Secretary of State David Scanlan has repeatedly boasted that New Hampshire’s “election process” is “time-tested,” “convenient, secure and easily observable.” The evidence backs up their assertions: voter fraud is exceedingly rare, with only a handful of cases over the last few decades, and just one conviction for noncitizen voting.

3. Moreover, there is no evidence that the affidavit voters used to prove citizenship, in particular, has been a vector for fraudulent voting, or that eliminating it will do anything to make New Hampshire elections more secure. Thousands of New Hampshire voters have properly used affidavits to prove their identity or citizenship. The only recent conviction for noncitizen voting in New Hampshire was of someone who had not even used the affidavit option to prove his citizenship.

4. That’s for good reason. Existing law was more than adequate to deter noncitizens from voting. Noncitizens who register or vote face civil and criminal

liability under New Hampshire law, RSA 659:34, and federal law, 18 U.S.C. § 611. They also render themselves permanently “inadmissible” under federal immigration law, 8 U.S.C. § 1182(a)(6)(C)(ii), (a)(10)(D), which can lead to deportation and will prevent them from ever renewing a visa, becoming a naturalized citizen, or returning to the United States if they leave. These are extremely serious consequences, and there is no evidence that any meaningful number of noncitizens have voted anywhere in the United States, much less in New Hampshire specifically. And if noncitizens were voting in New Hampshire, it would be easy to tell, because even under existing law the state can readily identify which voters attest to their citizenship by affidavit instead of providing documentary proof.

5. The General Court nevertheless passed, and Governor Sununu signed, HB 1569, which will make voting dramatically harder for many New Hampshire citizens by eliminating the option to prove their citizenship by affidavit. In doing so, HB 1569 erects severe and needless barriers for voters in New Hampshire to register to vote and cast their ballots. It will prevent any individuals who are unable to produce compliant documents on election day from voting altogether—and, as the state knows from experience, this circumstance presents regularly at the polls. That is why thousands of voters have relied on the affidavit process in recent years.

6. The resulting disenfranchisement and other burdens, moreover, are certain to fall disproportionately on identifiable groups—including, but not limited

to students and young people—who are less likely to have ready access to the limited set of documents with which they must now prove their citizenship.

7. Because the proof-of-citizenship requirement severely and disproportionately restricts the ability of New Hampshire voters to exercise their right to vote, without any adequate interests to justify those burdens, the law violates the U.S. Constitution’s First and Fourteenth Amendments. *See Common Cause Rhode Island v. Gorbea*, 970 F.3d 11, 14 (1st Cir. 2020) (explaining that, to determine whether a law unconstitutionally burdens the right to vote, courts “weigh the ‘character and magnitude of the asserted injury to’ the voters’ rights against the ‘precise interests put forward by the State as justifications for the burden imposed’” (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 788–89 (1983))). The U.S. Court of Appeals for the Tenth Circuit invalidated Kansas’s similar attempt to require proof of citizenship for exactly that reason: the burden it imposed on voters outweighed the same state interests that purportedly underlie HB 1569. *Fish v. Schwab*, 957 F.3d 1105, 1136 (10th Cir. 2020).

8. Plaintiff therefore brings this lawsuit for a declaratory judgment that HB 1569’s proof-of-citizenship requirement is unconstitutional, and for permanent injunctive relief against its enforcement.

JURISDICTION AND VENUE

9. Plaintiff brings this action under 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the United States Constitution.

10. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and the laws of the United States.

11. This Court has personal jurisdiction over Defendant, who is sued in his official capacity.

12. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) because Defendant is a resident of New Hampshire. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events that give rise to Plaintiff's claims occurred and will occur in this judicial district.

13. This Court has the authority to provide declaratory and injunctive relief under Federal Rules of Civil Procedure 57 and 65, as well as 28 U.S.C. §§ 2201 and 2202.

PARTIES

14. Plaintiff the New Hampshire Youth Movement is a nonpartisan, nonprofit membership organization composed of young people and others in New Hampshire who are motivated to effectuate political change through civic action and

democratic participation. The Youth Movement advocates on behalf of young people and others in New Hampshire who seek to advance policy goals such as increasing wages, decreasing the costs of education, housing and medical care, and combatting the growing effects of climate change. The Youth Movement further works to strengthen the influence of young people, marginalized individuals, and others who share their common values by helping them navigate the political system and rise to positions of power and governance.

15. The Youth Movement has 129 dues-paying members who contribute to the organization. Additionally, more than 3,500 people have participated in actions led by the Youth Movement.

16. In furtherance of its mission, the Youth Movement creates “hubs” across New Hampshire that work under a shared set of principles to build collective power. These hubs plan, organize, and execute events aimed at uplifting the voice and influence of their constituency in their communities and all throughout New Hampshire, especially on major days of action and during key elections. In addition to such direct engagement in the community, the Youth Movement further invests in reaching their constituents in New Hampshire by running social media campaigns, text banking, and pledge-to-vote campaigns. It further conducts other outreach to provide education on policy issues that are central to its mission and inform people

of ways to participate in state and local elections as well as other civic engagement activities.

17. In light of HB 1569, the Youth Movement will need to divert resources away from direct voter contact, including its pledge-to-vote campaign in which people sign pledge-to-vote cards, and towards voter education specific to HB 1569. These efforts will include using staff time and resources to organize events in which town clerks come to campuses to register students to vote; drafting and running letters to the editor to inform people of the new requirement; and reconfiguring and running a new social media campaign concerning the requirement.

18. The proof-of-citizenship requirement inflicts direct harm on the Youth Movement as well as its members and constituents by directly undermining the efficacy of its educational and get out the vote efforts: no matter how persuasive those efforts are, they will come to naught if the targeted voters are disenfranchised by the new requirement. As a result, rather than conduct its planned voter engagement and outreach activities, the organization will be forced to direct efforts toward educating voters on the harms and risks associated with the proof-of-citizenship requirement. The Youth Movement will further be forced to provide direct assistance to those who are qualified to vote but who lack the documents necessary to register and vote under HB 1569.

19. Especially because the Youth Movement has limited resources, these diversions of resources toward combatting the harms to the Youth Movement of the proof-of-citizenship requirement come at a direct cost to its other priorities. Further, the young, low-income, and other marginalized people who make up the Youth Movement’s membership and constituency are at a particular risk of disenfranchisement and other burdens under the new requirement. These populations are less likely to possess or have ready access to their birth certificates, passports, or naturalization papers—if they have them at all. These groups are likewise less likely to have the time and resources to invest in obtaining the documents necessary to register to vote under HB 1569. The Youth Movement thus brings this litigation on behalf of itself, as well as on behalf of its members and constituents across New Hampshire.

20. Defendant David Scanlan is the Secretary of State of New Hampshire and the state’s chief election officer. RSA 652:23. Secretary Scanlan is responsible for overseeing, implementing, and harmonizing the State’s entire election administration process. Specifically, he is responsible for preparing an up-to-date manual on New Hampshire election law and procedure for local officials to use to conduct elections. RSA 652:22.¹ The Secretary is further directed to “prescribe the

¹ The Secretary’s Election Procedure Manual (“EPM”) is published on the Secretary’s website. See N.H. Sec’y of State, New Hampshire Election Procedure

form of the voter registration form to be used for voter registrations,” RSA 654:7, and is required to provide instructions and guidance related to voter registration and voter identification requirements. For example, he must provide a “regularly updated set of instructions and best use practices for the use of electronic poll books.” RSA 652:27. He is also responsible for preparing an explanation of identification requirements for voters that directs voters to the Department of State’s website for more information, which is displayed in every town and city clerk’s office for at least 14 days prior to each election. RSA 652:25.

STATEMENT OF FACTS AND LAW

I. Same-day registration is fundamental to New Hampshire’s rich history of in-person voting.

21. New Hampshire has a longstanding tradition of active civic engagement, which can be traced to the state’s centuries-old tradition of holding town meetings and gatherings at which residents come together to discuss and vote on issues facing their communities.

22. Consistent with this tradition, New Hampshire voters have maintained a robust and continuing interest in voting in-person. In the 2022 general election, for example, more than 85% of New Hampshire voters voted in person. Charles Stewart

Manual (August 2024) (“2024-25 EPM”), <https://www.sos.nh.gov/sites/g/files/ehbemt561/files/documents/2024-08/epm-2024-2025-final-ada-for-web.pdf>.

III, *How We Voted in 2022*, MIT ELECTION DATA & SCIENCE LAB 9, <https://electionlab.mit.edu/sites/default/files/2023-05/How-We-Voted-In-2022.pdf> (last accessed Sept. 13, 2024).

23. New Hampshire consistently boasts some of the highest levels of voter participation in the country. In the 2020 general election, for example, more than 76% of the citizen voting age population turned out, compared to 68% nationally. See U.S. Election Assistance Commission, *Election Administration and Voting Survey, Comprehensive Report* 27 (2020), https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf.

24. To enfranchise as many qualified voters as possible, the General Court acted in 1994 to guarantee an easily navigable and accessible system for same-day voter registration and voting on election day. See Act of May 23, 1994, Ch. 154:1, I, 1994 N.H. Laws (HB 1506). Because New Hampshire enacted same-day registration, it obtained an exemption from the requirements of the National Voter Registration Act (“NVRA”).

25. Since then, New Hampshire’s same-day registration provision has provided that a voter who is not registered but who is “otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on

election day,” so long as the voter satisfies the state’s voter qualification requirements. *See* RSA 654:7-a.

II. New Hampshire’s statutory scheme long permitted voters to prove their citizenship status either by producing documents or by signing an affidavit.

26. Chapter 654 of the Revised Statutes governs voter eligibility and registration requirements. To be qualified to vote, a voter must be (a) 18 years of age, (b) domiciled in the town or city where the individual is registering, and (c) a citizen of the United States. *See* RSA 654:7, I.

27. In 2003, the election day registration provision was amended to provide that voters would be *required* to produce proof of qualifications, including citizenship, when registering to vote. Act of July 18, 2003, Ch. 289, 2003 N.H. Laws (HB 627) (replacing “may” with “shall” in RSA 654:7-a and RSA 654:12). Under this provision, however, a “citizenship affidavit” was satisfactory proof of citizenship—documentary proof was not required. *See id.* In 2009, the General Court later renamed the “citizenship affidavit” the “qualified voter affidavit,” and allowed voters to attest to other qualifications using the form as well. Act of July 29, 2009, Ch. 278, 2009 N.H. Laws (HB 265); *see* Act of June 27, 2012, Ch. 285, 2012 N.H. Laws (SB 318).

28. More recently, however, the General Court has taken steps to restrict voter registration in New Hampshire. In 2017, the General Court enacted SB 3 to

modify the term “domicile” and amend the procedures and forms used by voters who register to vote using an affidavit. Specifically, SB 3 changed the definition of domicile by requiring anyone seeking to register to present documentary evidence of “a verifiable act or acts carrying out” their intent to be domiciled in the state. In response, pro-voting groups sued, alleging that the bill unconstitutionally burdened the right to vote under the state constitution. The Supreme Court of New Hampshire agreed, striking down the law in its entirety. As a result, voter registration requirements returned to the state’s pre-SB 3 system. *N.H. Democratic Party v. Sec’y of State*, 262 A.3d 366, 382 (N.H. 2021).²

29. At all relevant times prior to HB 1569’s passage, New Hampshire voter registration law has required election officials to accept an affidavit in lieu of the other documents deemed sufficient to demonstrate citizenship.

² And in 2022, the General Court enacted SB 418, creating an “affidavit ballot” system for election day voters who are unable to produce photo identification. See RSA 659:23-a, I (“[I]f a voter on election day is registering to vote for the first time in New Hampshire and does not have a valid photo identification establishing such voter’s identification, or does not meet the identity requirements of RSA 659:13, then such voter shall vote by affidavit ballot pursuant to this section”). Under the system, ballots submitted by voters who are unable to provide such proof were only counted on a provisional basis, subject to the voter’s ability to cure the ballot through a post-election verification process. See RSA 659:23-a, II–V. This process, which has been repealed by HB 1569, did not apply to individuals who were unable to satisfy the proof-of-citizenship requirement on election day. See *id.*

III. The ability to prove citizenship via affidavit is a critical component of New Hampshire's election day registration scheme that prevents disenfranchisement.

30. The ability to use the qualified voter affidavit in lieu of other citizenship documents has long been a critical means for voters to register and vote, serving as a necessary backstop for those who are unable to produce other compliant documents on election day.

31. The ability to register to vote in this manner, in fact, is heavily touted in the Secretary's voter registration guidance as a critical means by which voters are able to register and vote, especially on election day. N.H. Sec'y of State, *Registering to Vote in New Hampshire* 1 (updated Nov. 28, 2023), <https://www.sos.nh.gov/sites/g/files/ehbemt561/files/inline-documents/sonh/registering-to-vote-in-new-hampshire-november-2023.pdf> ("You need to provide proof of your identity, age, citizenship, and domicile to register. Proof can be either by documents or by affidavit if you do not have documents with you."); *id.* ("You can prove your identity, age, and/or citizenship by signing a Qualified Voter Affidavit, under oath, in front of an election official if you do not have documents."); *see also* N.H. Sec'y of State, *At the Polls on Election Day* (last accessed Sept. 13, 2024), <https://www.sos.nh.gov/elections/register-vote/polls-election-day> ("If you do not have documents with you to prove a qualification, you may prove your identity, age, citizenship, or domicile by completing an affidavit.

Your local election officials will provide the forms needed, and are happy to answer any questions you may have.”).

32. Thousands of New Hampshire voters have relied on qualified voter affidavits to prove their citizenship in recent elections. Testimony submitted to the General Court, as well as statements by legislators during debate over HB 1569, for example, show that more than 700 voters were able to register to vote in 2022 by relying on the qualified voter affidavit option to prove their citizenship (with hundreds more using it to prove other qualifications), and that more than 1,400 people used a qualified voter affidavit to prove either their citizenship or identity in 2020.

33. The qualified voter affidavit has served as a critical means for thousands of voters to register and exercise their right to vote in New Hampshire, and there is no evidence that it has enabled fraudulent voting.

IV. HB 1569 fundamentally changed voter registration in New Hampshire by eliminating the qualified voter affidavit.

34. Despite New Hampshire’s successful track record with respect to voter registration and maintaining the integrity of its elections, a deeply divided General Court made a fundamental change to the state’s qualification provision by enacting HB 1569, which entirely eliminates the ability of voters to use an affidavit to show their citizenship in lieu of documentary proof. By doing so, HB 1569 requires any voter seeking to register in the state for the first time to produce a birth certificate,

passport, naturalization papers, or other documentation deemed “reasonable” by an election official.

35. Neither the law nor the Secretary’s EPM provides guidance on what constitutes “reasonable” documentation. The Secretary’s EPM includes examples of documents that constitute proof of citizenship, but that guidance simply restates that a passport or a birth certificate qualifies and explains what naturalization papers are (*i.e.*, certificates issued by the federal government or a Consular Report of Birth Abroad). 2024-25 EPM at 33. Whether a voter has satisfied the proof of citizenship Requirement is judged by a local election official. *Id.* at 34.

36. Thus, under HB 1569, unlike ever before in New Hampshire’s same-day voter registration regime, if a voter is unable to produce any of these documents on election day, the voter will be turned away and unable to vote.

V. The proof-of-citizenship requirement is unconstitutional.

37. As the Secretary’s EPM itself recognizes, especially in New Hampshire’s same-day voter registration system, allowing a voter to attest to a qualification in lieu of documentary proof is often *necessary* to ensure that voters are not unconstitutionally disenfranchised:

[T]he state and federal constitutions still require that everyone be allowed to vote somewhere, unless disqualified. . . . *It is inherent in this requirement that an individual whose circumstances do not allow or who chooses not to have a driver’s license, not to register a vehicle, not to purchase utility services, etc., must have some method available by*

which to prove his or her domicile. The Qualified Voter and Domicile Affidavits satisfy this requirement.

2024-25 EPM at 179 (emphasis added).

38. By eliminating that option without any adequate alternative means to ensure that all voters have a means to register to vote, New Hampshire has imposed an unconstitutional burden on voters' fundamental right to vote in the state. *See Common Cause*, 970 F.3d at 14 (to determine whether a law unconstitutionally burdens the right to vote, courts "weigh the 'character and magnitude of the asserted injury to' the voters' rights against the 'precise interests put forward by the State as justifications for the burden imposed'" (quoting *Anderson*, 460 U.S. at 788–89); *Fish*, 957 F.3d at 1136 (holding that Kansas's asserted interests in protecting election integrity, ensuring voter roll accuracy, safeguarding voter confidence, and preventing voter fraud were insufficient to "justify the burdens that [Kansas's documentary proof of citizenship] law impose[d]").

A. The proof-of-citizenship requirement severely burdens the right to vote.

39. The proof of citizenship requirement imposes severe burdens on the right to vote of all voters who register to vote for the first time in New Hampshire, especially those who do so on election day.

40. For various reasons, many voters will come to the polls without the necessary documents to prove their citizenship. For example, some people who are

otherwise qualified to vote in New Hampshire simply do not have a passport, birth certificate, naturalization papers, or other documents that would affirmatively prove their citizenship. When those individuals arrive at the polls to register to vote on election day, they will not be able to prove their qualifications. As a result, the proof-of-citizenship requirement completely disenfranchises these individuals.

41. Other people in New Hampshire may have these documents but do not have them in their possession or access to them because they have moved to attend school or for other reasons. The proof-of-citizenship requirement also completely disenfranchises these individuals.

42. Other circumstances beyond the control of voters further prevent access to the documents deemed permissible by the requirement. For example, some voters in New Hampshire will find themselves in emergency or exigent circumstances, such as a home fire or other disaster, that destroys their documentation. The requirement completely disenfranchises these individuals as well.

43. Other registrants will come to the polls on election day prepared to take advantage of New Hampshire's same-day registration without knowing that they need to prove their citizenship with documents. As a result, they will not bring their passports, birth certificates, or naturalization papers with them. These individuals either need to return home to retrieve this proof or they are completely disenfranchised. Returning home to find these documents constitutes its own

substantial burden on these voters just to be able to vote—and many will not have the time or ability to do so at all.

44. Any voters who currently lack the documents deemed acceptable by the requirement, moreover, will be forced to take the time and expend money and other resources to obtain them in time to vote on election day. Passports can take multiple months to obtain and cost more than \$110. The amount of time and money required to obtain copies of birth certificates can vary, but likewise impose significant costs on voters. Naturalization papers, for those citizens born outside of the United States, can cost more than \$500. Thus, for any voters who lack existing documents to prove their citizenship, the requirement imposes these and other significant burdens just to enable them to exercise the right to vote.

45. Repeated testimony throughout the General Court's consideration of HB 1569 put legislators on notice of these severe burdens resulting from the proof-of-citizenship requirement—especially for students, young people, the elderly, low-income people, and houseless individuals, as well as other marginalized and transient populations. Yet, despite the extensive legislative record documenting these problems, the General Court narrowly passed HB 1569.

B. The proof-of-citizenship requirement does not advance legitimate state interests.

1. The legislative history shows that the requirement's proponents were motivated only by vague specters of fraud.

46. In the General Court, proponents of the proof-of-citizenship requirement pointed only to vague concerns about voter fraud as the reason to enact the legislation and did not claim that the requirement advanced any other legitimate interest that could make the burdens it imposes necessary.

47. The original sponsor of the requirement, Representative Lynn, “candidly” admitted that the bill was not directed toward any existing fraudulent voting when introducing the bill to his colleagues in the Senate: “Do I think there’s a huge issue of voter fraud in New Hampshire? No, I don’t, because I think if there was, we would know it.”

48. Throughout HB 1569’s discussion in the General Court, legislators continued to acknowledge that fraudulent voting is not a problem in New Hampshire.

49. Senator Gray, in defending the legislation on the floor of the Senate, repeatedly stated that New Hampshire has no problem with fraudulent voting. He further acknowledged that the requirement makes it “more onerous in some people’s opinion,” but asserted that it is the “obligation of that person” who wants to vote to prove their qualifications.

50. Senator Gray pointed to a concern that he suggested the Attorney General had with the office's inability to locate and confirm the identification of roughly 230 voters who had been able to vote only by signing an affidavit in recent elections. However, each time that he mentioned this concern, Senator Gray immediately thereafter acknowledged that it is exceedingly unlikely that any of those voters were unqualified to vote (and may just be, for example, students or others who had since moved out of New Hampshire). In fact, data from the Attorney General's Office shows that such investigations have identified virtually no fraudulent voting.

51. Far from working to ensure that all qualified voters can register and vote on election day, statements by the requirement's proponents also express a desire to ensure that only voters who, in their opinion, have spent a sufficient amount of time "thinking" about and planning how to vote are able to do so.

52. During the conference committee for HB 1370, a similar bill that failed in the House, proponents came up with only vague justifications related to voter fraud and bolstering voter confidence in support of HB 1370's proof-of-citizenship requirement, which was akin to HB 1569's. They also repeatedly emphasized that the burden is on the voter to prove their citizenship. Senator Gray stated that "[i]t is the voter's responsibility to provide the documentation. It is not the State's responsibility."

53. Although the Secretary did not formally take a position on the legislation, he echoed this justification when questioned by legislators about the requirement. When asked how many impacted citizens were “too many” to suffer the consequences of the requirement, the Secretary explained, “I don’t think it is voter suppression or too much to ask voters to be able to give that confidence that they’re qualified to vote.” N.H. House of Representatives Committee Streaming, *Committee of Conference on HB 1370* at 1:26:30, YOUTUBE (June 5, 2024), <https://www.youtube.com/watch?v=IMmYv-I1Uo8>.

54. Proponents pointed to no other meaningful justifications for the proof-of-citizenship requirement.

2. Existing law prevents fraudulent noncitizen voting, which is exceedingly rare.

55. The proof-of-citizenship requirement is also unnecessary and fails to advance state interests because existing law prevents fraud and especially noncitizen voting.

56. Legislators’ repeated recognition that voter fraud is not a problem in New Hampshire is borne out by the data. The Attorney General of New Hampshire’s Election Law Unit actively investigates allegations and potential instances of fraud and maintains a regularly updated database of such cases. Between 2015 and today, the Attorney General’s Election Law Unit has investigated only seven people for unlawfully voting as noncitizens. See Exhibit A, Attorney General’s Response to

Steven J. Dutton’s Right-to-Know Request. Only one of those people was criminally convicted. *See id.* at 34. None of those people relied on a qualified voter affidavit to prove their citizenship.

57. The qualified voter affidavit prescribed by statute prior to HB 1569’s enactment required voters to provide their name, place of birth, date of birth, domicile address, mailing address, and additional contact information. RSA 654:12, I(a). The affidavit form further contained the following affirmation and admonishments:

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct. . . .

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Id.

58. Any such crime that “involve[s] the use of false proof of identity” carries a “mandatory sentence in [a] county correctional facility.” RSA 659:34, II.

59. Additionally, any person who “purposely or knowingly” “[v]otes for any office or measure at an election if such person is not qualified” is subject to felony prosecution, *id.*, with penalties of up to seven years of prison time and additional fines, *see* RSA 651:2. A felony conviction also results in the loss of voting rights and the right to run for office. *See* RSA 654:5; RSA 607-A:2.

60. Voters seeking to register to vote on election day are also subject to scrutiny by election officials, the public, and public interest groups. *See* RSA 659:27 (“A voter offering to vote at any state election may be challenged by any other voter registered in the town or ward in which the election is held, an election official, a challenger appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney general pursuant to RSA 666:5.”).

61. Given all these safeguards built into New Hampshire’s voting system, it is unsurprising that voters have relied on affidavits to prove their citizenship for decades without any meaningful problems emerging. As the Secretary explains in a letter published in the EPM, New Hampshire has a “long track record of successful elections.” 2024-25 EPM at ii.

62. In short, because the proof-of-citizenship requirement severely burdens the right to vote with no state interest to justify the requirement, it is unconstitutional.

CLAIMS FOR RELIEF

COUNT I

Undue Burden on the Fundamental Right to Vote U.S. Const. amends. I & XIV, 42 U.S.C. § 1983

63. Plaintiff realleges and reincorporates by reference paragraphs 1-62 of this Complaint as though fully set forth herein.

64. A court considering a challenge to a state election law must carefully balance the character and magnitude of injury to the First and Fourteenth Amendment rights that the plaintiff seeks to vindicate against the justifications put forward by the state for the burdens imposed by the rule. *See Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson*, 460 U.S. at 789; *Common Cause*, 970 F.3d at 14.

65. “However slight th[e] burden may appear, . . . it must be justified by relevant and legitimate state interests sufficiently weighty to justify the limitation.” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008) (Stevens, J., controlling op.) (quotation marks omitted); *accord Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1318–19 (11th Cir. 2019) (“[E]ven when a law imposes only a slight burden on the right to vote, relevant and legitimate interests of sufficient weight still must justify that burden. The more a challenged law burdens the right to vote, the stricter the scrutiny to which we subject that law.” (citations omitted)).

66. In conceptualizing the burden that a state electoral regulation places on constitutional rights, courts are not limited to considering only the effort needed to comply with the regulation; they also may consider the law’s broader ramifications, including the consequences of noncompliance. *See, e.g., Democratic Exec. Comm. of Fla.*, 915 F.3d at 1319 (stating burdens of absentee ballot signature matching requirement included increased risk of disenfranchisement from perceived signature mismatch); *Ne. Ohio Coal. for the Homeless v. Husted*, 837 F.3d 612, 631 (6th Cir. 2016) (“Requiring boards of elections to reject the ballots of absentee and provisional voters who fail to accurately complete birthdate and address fields directly and measurably disenfranchises some voters.”).

67. The proof-of-citizenship requirement inflicts severe burdens, including total disenfranchisement, on otherwise qualified New Hampshire citizens. It also imposes disproportionately severe burdens on young, elderly, and low-income voters, as well as students, the homeless, and other particularly transient populations.

68. The proof-of-citizenship requirement does not advance any valid state interests. Even if New Hampshire were able to identify interests that are legitimate in the “abstract,” those interests are insufficient to justify the severe burdens the requirement imposes on the fundamental right to vote in “this case.” *Fish*, 957 F.3d at 1133.

69. The proof-of-citizenship requirement is unconstitutional.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment:

- A. Declaring that the proof-of-citizenship requirement violates the First and Fourteenth Amendments to the U.S. Constitution;
- B. Enjoining Defendant, his respective agents, officers, employees, and successors, and all persons acting in concert with him, from enforcing the challenged requirement;
- C. Declaring HB 1569 unconstitutional to the extent it repealed the qualified voter affidavit provisions of RSA 654:12;
- D. Enjoin Defendant, his respective agents, officers, employees, and successors, and all persons acting in concert with him, from giving effect to HB 1569 to the extent it repealed the state's qualified voter affidavit provisions of RSA 654:12;
- E. Awarding Plaintiff its costs, expenses, and reasonable attorneys' fees pursuant to, *inter alia*, 42 U.S.C. § 1988 and other applicable laws; and
- F. Granting such other and further relief as the Court deems just and proper.

Dated: September 17, 2024

Respectfully submitted,

/s/ Steven J. Dutton

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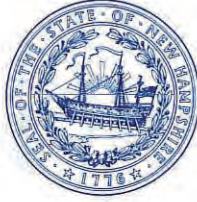
** Pro Hac Vice Application Forthcoming*

Exhibit A

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

June 13, 2024

Sent by email only
Steven J. Dutton, Esq.
McLane Middleton

Re: June 6, 2024, right-to-know request seeking records related to voter affidavits

Dear Attorney Dutton:

The purpose of this letter is to respond to your RSA chapter 91-A right-to-know request dated June 5, 2024, which this Office received on June 6, 2024.

Specifically, you requested the following records:

1. All governmental records, no matter what form, regarding the number of people who relied on a qualified voter affidavit to prove citizenship during each of the 2020 and 2022 election cycles.
2. All governmental records, no matter what form, regarding the number of people who relied on a qualified voter affidavit to prove domicile during each of the 2020 and 2022 election cycles.
3. All governmental records, no matter what form, regarding the number of people who relied on a qualified voter affidavit to prove identity during each of the 2020 and 2022 election cycles.
4. All governmental records, no matter what form, regarding the number of people who relied on a qualified voter affidavit for any purpose during each of the 2020 and 2022 election cycles.
5. All governmental records, no matter what form, regarding the number of noncitizens charged in New Hampshire with unlawfully casting or attempting to cast a ballot during each of the 2020 and 2022 election cycles.
6. All governmental records, no matter what form, regarding the number of noncitizens convicted in New Hampshire with unlawfully casting or attempting to cast a ballot during each of the 2020 and 2022 election cycles.

This Office reviewed your request, conducted a search to locate any responsive records, and reviewed all such records to determine whether or not they must be withheld under applicable exemptions to the disclosure requirements of RSA chapter 91-A.

Responsive Records:

In response to requests number 1, 2, 3, and 4, please see attached September 8, 2022 Report to Legislature from the Secretary of State's Office regarding voter affidavits.

In response to requests number 5 and 6, there was not a document identifying the number of non-U.S. citizens charged or convicted in New Hampshire of voting or attempting to vote in the 2020 and 2022 election cycles. However, the attached pdf includes documents reflecting every non-U.S. citizen who the Election Law Unit investigated for voting or attempting to vote in a New Hampshire election from 2015 through the present. Specifically, the pdf includes the following responsive documents:

1. October 10, 2023 Cease and Desist Order sent to Adrian Champagne.
2. February 10, 2023 Cease and Desist Order sent to a Chester, NH voter.
3. June 1, 2021 Press Release regarding Ole Oisin pleading guilty to two counts of wrongful voting for submitting a voter registration form and domicile affidavit with false material information.
4. April 13, 2020 Letter to a Manchester, NH voter.
5. February 11, 2019 Civil Penalty Letter to Angie Ward.
6. August 7, 2018 Note to File regarding a Salem, NH voter.

The names of certain private individuals have been redacted to protect their privacy, consistent with RSA 91-A:5, IV and the law enforcement records exemption set forth in Murray v. N.H. Div. of State Police, 154 N.H. 579 (2006).

Sincerely,

/s/ Brendan A. O'Donnell

Brendan A. O'Donnell

Brendan.a.odonnell@doj.nh.gov

Enclosure

**NEW HAMPSHIRE
DEPARTMENT OF STATE**



David M. Scanlan
Secretary of State

Erin Hennessey
Deputy Secretary of State

Patricia Lovejoy
Senior Deputy Secretary of State

Patricia D. Piecuch
Election Director

September 8, 2022

Hon. Sherman Packard
Speaker of the House of Representatives
State House, Room 311
107 North Main Street
Concord, NH 03301

Hon. Chuck Morse
President of the Senate
State House, Room 302
107 North Main Street
Concord, NH 03301

Hon. Barbara Griffin
Chair, House Committee on Election Law
Legislative Office Building, Room 308
Concord, NH 03301

Hon. James Gray
Chair, Senate Committee on Elections
Law and Internal Affairs
State House, Room 105
107 North Main Street
Concord, NH 03301

Re: Report to Legislature: Voter Affidavits

Dear Mr. Speaker, Mr. President, and Committee Chairs:

Pursuant to RSA 659:13,IV(c), this letter is our report reflecting the individuals recorded by local election officials from 2019 - 2021 as having signed challenged voter affidavits and qualified voter affidavits for identity purposes.

When a person seeking to vote is unable to provide an approved photo identification before obtaining a ballot, he or she can sign a Challenged Voter Affidavit ("CVA") in order to cast a ballot. After each election, this law requires the Secretary of State to send follow-up letters to voters who signed CVAs. These letters contain return post cards that the voters are asked to sign and return, confirming it was they who voted in that election. Alternately, voters may send a confirmation via email.

A 2016 revision to RSA 659:13 stated, "the (S)ecretary of (S)tate shall revise the list based on input solicited from the supervisors of the checklist." A 2017 revision to RSA 659:13 struck the above language and required the Secretary of State to "conduct an inquiry" before submitting the list of voters who signed CVAs to the Attorney General for investigation. The 2017 revision to RSA 659:13 reads as follows, "The (S)ecretary of (S)tate shall conduct an inquiry regarding any letters mailed ... that are returned as undeliverable ...and of voters who were mailed letters ... and have not responded to the (S)ecretary of (S)tate.

State House Room 204, 107 N. Main St., Concord, NH 03301
Phone: 603-271-8238 Fax: 603-271-8242
TDD Access: Relay NH 1-800-735-2964
www.sos.nh.gov email: NHVotes@sos.nh.gov

The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the (S)ecretary of (S)tate shall prepare and forward to the (A)ttorney (G)eneral for investigation a list of those people whose identity or eligibility to vote could not be confirmed."

In the municipal elections held between January and June of 2019, election officials recorded 119 individuals who did not present valid photo identification, were not verified on election day by local election officials, signed a challenged voter affidavit ("CVAs") to vote, and did not also sign a qualified voter affidavit. These voters were given the opportunity to confirm that they voted in the election, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 119 voters, 88 returned a post card or email confirming it was they who had voted, 31 were verified with subsequent input from local election officials (RSA 659:13), through our office research or through the Attorney General's Office, and zero were referred to the Attorney General for investigation.

In the state special and municipal elections held between July and December of 2019, election officials recorded 135 individuals who did not present valid photo identification, were not verified on election day by local election officials, signed a challenged voter affidavit ("CVAs") to vote, and did not also sign a qualified voter affidavit. These voters were given the opportunity to confirm that they voted in the election, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 135 voters, 101 returned a post card or email confirming it was they who had voted, 32 were verified with subsequent input from local election officials (RSA 659:13) through our office research or through the Attorney General's Office, and 2 were referred to the Attorney General for investigation.

In the state special and municipal elections held between January and May 11, 2020, election officials recorded 485 individuals who did not present valid photo identification, were not verified on election day by local election officials, signed a challenged voter affidavit ("CVAs") to vote, and did not also sign a qualified voter affidavit. These voters were given the opportunity to confirm that they voted in the election, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 485 voters, 366 returned a post card or email confirming it was they who had voted, 117 were verified with subsequent input from local election officials (RSA 659:13) through our office research or through the Attorney General's Office, and 2 were referred to the Attorney General for investigation.

In the municipal elections, state primary and general elections held between May 12 and December of 2020, election officials recorded 745 individuals who did not present valid photo identification, were not verified on election day by local election officials, signed a challenged voter affidavit ("CVAs") to vote, and did not also sign a qualified voter affidavit. These voters were given the opportunity to confirm that they voted in the election, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters.

Among these 745 voters, 438 returned a post card or email confirming it was they who had voted, 285 were verified with subsequent input from local election officials (RSA 659:13) through our office research or through the Attorney General's Office, 12 were determined to have been recorded incorrectly prior to sending letters, and 10 were referred to the Attorney General for investigation.

In the state special and municipal elections held between January and June of 2021, election officials recorded 64 individuals who did not present valid photo identification, were not verified on election day by local election officials, signed a challenged voter affidavit ("CVAs") to vote, and did not also sign a qualified voter affidavit. These voters were given the opportunity to confirm that they voted in the election, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 64 voters, 40 returned a post card or email confirming it was they who had voted, 24 were verified with subsequent input from local election officials (RSA 659:13) through our office research or through the Attorney General's Office, and zero were referred to the Attorney General for investigation.

In the state special and municipal elections held between July and December of 2021, election officials recorded 155 individuals who did not present valid photo identification, were not verified on election day by local election officials, signed a challenged voter affidavit ("CVAs") to vote, and did not also sign a qualified voter affidavit. These voters were given the opportunity to confirm that they voted in the election, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 155 voters, 117 returned a post card or email confirming it was they who had voted, 28 were verified with subsequent input from local election officials (RSA 659:13) through our office research or through the Attorney General's Office, and 10 were referred to the Attorney General for investigation.

When an individual seeks to register to vote and is unable to provide documentary evidence of identity, age, or citizenship, he or she may sign a Qualified Voter Affidavit ("QVA"), pursuant to RSA 654:12. The law requires that the Secretary of State send follow-up letters to those who signed QVAs because they were unable to prove their identity upon registering to vote. These letters contain return post cards and emails that these individuals are asked to sign and return, confirming it was they who registered to vote in that election.

A 2017 revision to RSA 654:12 requires the Secretary of State to "conduct an inquiry" before submitting the list of individuals signing QVAs for identity purposes to the Attorney General for investigation. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the voter registration form.

Between January and June of 2019, election officials recorded 10 individuals who did not verify their identity with an approved photo ID and signed a qualified voter affidavit ("QVAs") to register to vote. These voters were given the opportunity to confirm that they registered to vote, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 10 voters, 4 returned a post card or email confirming it was they who had

registered, 4 were verified with subsequent input from local election officials (RSA 654:12) or through our office research, and 2 were referred to the Attorney General for investigation.

Between June and December of 2019, election officials recorded 7 individuals who did not verify their identity with an approved photo ID and signed a qualified voter affidavit ("QVAs") to register to vote. These voters were given the opportunity to confirm that they registered to vote, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 7 voters, 6 returned a post card or email confirming it was they who registered, 1 was verified with subsequent input from local election officials (RSA 654:12) or through our office research and zero were referred to the Attorney General for investigation.

Between January and May 11 of 2020, election officials recorded 302 individuals who did not verify their identity with an approved photo ID and signed a qualified voter affidavit ("QVAs") to register to vote. These voters were given the opportunity to confirm that they registered to vote, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 302 voters, 175 returned a post card or email confirming it was they who had registered, 72 were verified with subsequent input from local election officials (RSA 654:12) or through our office research and 55 were referred to the Attorney General for investigation.

Between May 12 and December of 2020, election officials recorded 652 individuals who did not verify their identity with an approved photo ID and signed a qualified voter affidavit ("QVAs") to register to vote. These voters were given the opportunity to confirm that they registered to vote, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 652 voters, 325 returned a post card or email confirming it was they who registered, 222 were verified with subsequent input from local election officials (RSA 654:12) or through our office research and 105 were referred to the Attorney General for investigation.

Between January and June of 2021, election officials recorded 11 individuals who did not verify their identity with an approved photo ID and signed a qualified voter affidavit ("QVAs") to register to vote. These voters were given the opportunity to confirm that they registered to vote, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 11 voters, 11 returned a post card or email confirming it was they who had registered, and zero were referred to the Attorney General for investigation.

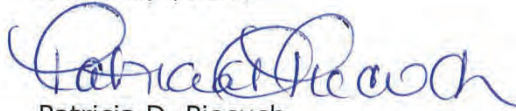
Between July and December of 2021, election officials recorded 10 individuals who did not verify their identity with an approved photo ID and signed a qualified voter affidavit ("QVAs") to register to vote. These voters were given the opportunity to confirm that they registered to vote, affirming that their identity was not used by someone else, by sending post cards or emails in response to follow-up letters. Among these 10 voters, 10 returned a post card or email confirming it was they who registered, and zero were referred to the Attorney General for investigation.

Pursuant to RSA 654:12 and RSA 659:13, the Secretary of State must forward to the Attorney General for investigation the names of voters who either did not respond to affidavit follow-up letters or could not be verified in the Secretary of State's inquiry.

Although the law does not require it, we are attaching a table entitled "Domicile Affidavits (DAs) and Sworn Statements of Domicile (SSODs), Summary Report, 2012 – 2021. This summary incorporates the results of our follow-up efforts and referrals for this affidavit category.

Please refer to the attached tables for reports of the numbers of challenged voter affidavits and qualified voter affidavits by voting district and time period. Please feel free to contact our office if you have any questions.

Sincerely yours,



Patricia D. Piecuch
Election Director

Attachments:

Challenged Voter Affidavit by Town and City Ward, Jan. – June, 2019
Challenged Voter Affidavit by Town and City Ward, July – Dec., 2019
Challenged Voter Affidavit by Town and City Ward, Jan. – May 11, 2020
Challenged Voter Affidavit by Town and City Ward, May 12 – Dec., 2020
Challenged Voter Affidavit by Town and City Ward Jan. – June, 2021
Challenged Voter Affidavit by Town and City Ward July – Dec., 2021
Qualified Voter Affidavit by Town and City Ward, Jan. – June, 2019
Qualified Voter Affidavit by Town and City Ward, July – Dec., 2019
Qualified Voter Affidavit by Town and City Jan. – May 11, 2020
Qualified Voter Affidavit by Town and City May 12 – Dec., 2020
Qualified Voter Affidavit by Town and City Ward, Jan. – June, 2021
Qualified Voter Affidavit by Town and City Ward, July – Dec., 2021
Domicile Affidavits (DAs) and Sworn Statements of Domicile (SSODs), Summary Report, 2012 – 2021
Domicile Affidavits by Town and City Ward, Jan. – June, 2019
Domicile Affidavits by Town and City Ward, July – Dec., 2019
Domicile Affidavits by Town and City Ward, Jan. – May, 2020
Domicile Affidavits by Town and City Ward, May – Dec., 2020
Domicile Affidavits by Town and City Ward, Jan. – June, 2021
Domicile Affidavits by Town and City Ward, July – Dec., 2021

Cc: David M. Scanlan, Secretary of State
Orville B. Fitch, II, Elections Counsel, Department of State
Anne M. Edwards, Associate Attorney General, Department of Justice
Myles Matteson, Deputy General Counsel, Department of Justice

Challenged Voter Affidavits (CVA's)					
January - July 2019					
Town and City Ward Totals					
TOWN	Ward	Count	TOWN	Ward	Count
ALTON		2	NASHUA	01	1
ATKINSON		1	NASHUA	02	1
AUBURN		2	NASHUA	03	2
BEDFORD		11	NASHUA	04	2
BOW		3	NASHUA	06	1
BROOKLINE		6	NASHUA	08	1
CAMPTON		1	NASHUA	09	1
CONCORD	03	2	NEWMARKET		4
CONCORD	07	2	NEWPORT		2
CONCORD	10	2	NORTH HAMPTON		3
DERRY	01	1	PEMBROKE		1
EPSOM		1	PETERBOROUGH		2
GOFFSTOWN	01	2	PLAISTOW		1
GRAFTON		1	RYE		2
HAMPSTEAD		1	SALEM	04	1
HAMPTON		7	SANDOWN		1
HENNIKER		1	STRAFFORD		1
HUDSON		1	STRATHAM		3
KEENE	01	2	SWANZEY		5
KEENE	02	3	TAMWORTH		3
KENSINGTON		2	WEARE		1
LEBANON	02	1	WINDHAM		5
LEBANON	03	1	Total CVA's January to July 2019		119
LITCHFIELD		3			
LONDONDERRY		3			
LYMAN		1			
MERRIMACK	01	3			
MERRIMACK	02	2			
MERRIMACK	03	2			
MILFORD		5			

Challenged Voter Affidavits (CVA's)		
July - December 2019		
Town and City Ward Totals		
TOWN	WARD	CVA's
BERLIN	01	1
CONCORD	01	1
CONCORD	03	1
CONCORD	05	3
CONCORD	07	2
CONCORD	08	1
CONCORD	10	2
EPPING		2
KEENE	01	5
KEENE	02	3
KEENE	03	1
KEENE	04	2
LACONIA	03	2
LACONIA	04	1
MANCHESTER	01	3
MANCHESTER	02	8
MANCHESTER	03	11
MANCHESTER	04	6
MANCHESTER	05	3
MANCHESTER	06	5
MANCHESTER	07	3
MANCHESTER	08	2
MANCHESTER	09	9
MANCHESTER	10	2
MANCHESTER	11	10
MANCHESTER	12	3
NASHUA	01	5
NASHUA	02	1
NASHUA	03	4
NASHUA	04	1
NASHUA	05	1
NASHUA	06	3
NASHUA	07	1
NASHUA	08	1
NASHUA	09	6
PORTSMOUTH	01	3
PORTSMOUTH	02	4
PORTSMOUTH	03	1
PORTSMOUTH	05	10
ROCHESTER	02	1
SOMERSWORTH	04	1
Total CVA's July to December 2019		135

Challenged Voter Affidavits					
January - May 11, 2020					
Town and City Ward Subtotals					
TOWN & CITY NAME	WARD	CVAs	TOWN & CITY NAME	WARD	CVAs
ALTON		1	LITTLETON		5
AMHERST		7	LONDONDERRY		17
ATKINSON		2	MADBURY		1
BEDFORD		16	MANCHESTER	1	4
BELMONT		1	MANCHESTER	2	6
BENNINGTON		2	MANCHESTER	3	8
BERLIN		1	MANCHESTER	4	5
BETHLEHEM		1	MANCHESTER	5	2
BOW		7	MANCHESTER	6	4
BROOKLINE		14	MANCHESTER	7	1
CAMPTON		2	MANCHESTER	8	6
CLAREMONT	1	1	MANCHESTER	9	2
CONCORD	1	2	MANCHESTER	10	6
CONCORD	2	1	MANCHESTER	11	4
CONCORD	3	3	MANCHESTER	12	2
CONCORD	5	3	MERRIMACK	1	4
CONCORD	6	2	MERRIMACK	2	3
CONCORD	7	4	MERRIMACK	3	5
CONCORD	8	1	MILFORD		18
CONCORD	10	4	NASHUA	1	4
CONCORD	4	1	NASHUA	2	1
DANVILLE		4	NASHUA03	3	2
DEERFIELD		2	NASHUA	4	3
DERRY	3	1	NASHUA	5	8
DERRY	4	4	NASHUA	7	5
DOVER	4	2	NASHUA	8	3
DOVER	6	23	NASHUA	9	8
DUBLIN		1	NEW BOSTON		2
DURHAM		2	NEW IPSWICH		3
ENFIELD		3	NEW LONDON		2
EPPING		1	NEWMARKET		4
EPSOM		1	NEWPORT		3
FARMINGTON		1	NORTHFIELD		2
FRANKLIN	3	3	NORTHWOOD		1
GILFORD		1	PELHAM		4
GOFFSTOWN	1	4	PEMBROKE		1
GOFFSTOWN	5	1	PETERBOROUGH		2
GRANTHAM		1	PLAINFIELD		1
GREENLAND		1	PLAISTOW		1
HAMPTON		11	PLYMOUTH		1
HAMPTON FALLS		3	PORTSMOUTH	1	4
HANOVER		10	PORTSMOUTH	3	2
HENNIKER		2	PORTSMOUTH	4	2
HOOKSETT	1	1	PORTSMOUTH	5	5
HOOKSETT	2	3	RAYMOND		1
HOOKSETT	3	3	ROCHESTER	1	5
HOOKSETT	5	6	ROCHESTER	2	2
HOPKINTON		3	ROCHESTER	6	1
HUDSON		14	RYE		1
KEENE	1	18	SALEM	1	1
KEENE	2	11	SALEM	2	1
KEENE	3	1	SALEM	3	3
KEENE	4	5	SALEM	6	3
KEENE	5	5	SANBORNTON		1
LACONIA	4	1	SANDOWN		4
LACONIA	5	1	SOMERSWORTH	4	3
LANGDON		1	STRATHAM		7
LEBANON	1	8	SWANZEY		2
LEBANON	2	6	THORNTON		1
LEBANON	3	8	WEARE		1
LITCHFIELD		5	WHITEFIELD		1
			WINDHAM		12
			Total CVAs Jan-May 11, 2020		485

Challenged Voter Affidavits								
May 12 to December, 2020								
Town and City Ward Subtotals								
Town	Ward	CVAs	Town	Ward	CVAs	Town	Ward	CVAs
ALTON		2	GRAFTON		1	MERRIMACK	03	5
AMHERST		4	GRANTHAM		4	MILFORD		11
ATKINSON		4	GREENFIELD		1	MONT VERNON		3
AUBURN		3	GREENVILLE		2	NASHUA	01	8
BARRINGTON		4	HAMPSTEAD		2	NASHUA	02	7
BARTLETT		1	HAMPTON		16	NASHUA	03	1
BEDFORD		13	HAMPTON FALLS		1	NASHUA	04	11
BELMONT		2	HANOVER		17	NASHUA	05	8
BERLIN	02	1	HENNIKER		3	NASHUA	06	13
BERLIN	04	1	HINSDALE		3	NASHUA	07	14
BETHLEHEM		4	HOLLIS		1	NASHUA	08	9
BOSCAWEN		4	HOOKSETT	01	1	NASHUA	09	7
BOW		12	HOOKSETT	02	4	NEW DURHAM		2
BRENTWOOD		1	HOOKSETT	03	3	NEW IPSWICH		8
BRIDGEWATER		2	HOOKSETT	05	3	NEW LONDON		4
BROOKLINE		11	HOOKSETT	06	1	NEWINGTON		1
CAMPTON		1	HOPKINTON		3	NEWMARKET		3
CHARLESTOWN		1	HUDSON		17	NORTHFIELD		1
CHESTERFIELD		1	KEENE	01	1	NORTHWOOD		1
CLAREMONT	01	2	KEENE	02	6	NOTTINGHAM		3
CLAREMONT	03	1	KEENE	03	5	ORFORD		2
COLEBROOK		3	KEENE	04	9	PEMBROKE		5
CONCORD	01	8	KEENE	05	1	PETERBOROUGH		8
CONCORD	02	2	LACONIA	01	2	PLAINFIELD		1
CONCORD	03	2	LACONIA	03	3	PLAISTOW		5
CONCORD	04	2	LACONIA	05	1	PLYMOUTH		6
CONCORD	06	8	LANCASTER		1	PORTSMOUTH	01	5
CONCORD	07	7	LANDAFF		1	PORTSMOUTH	02	11
CONCORD	08	2	LEBANON	01	8	PORTSMOUTH	03	2
CONCORD	09	1	LEBANON	02	4	PORTSMOUTH	05	2
CONCORD	10	9	LEBANON	03	3	ROCHESTER	01	1
CONWAY		8	LEE		3	ROCHESTER	02	5
CORNISH		2	LISBON		1	ROCHESTER	03	1
DANVILLE		1	LITCHFIELD		9	RYE		4
DEERFIELD		6	LITTLETON		1	SALEM	01	3
DERRY	01	14	LONDONDERRY		5	SALEM	02	1
DERRY	02	9	LOUDON		2	SALEM	03	4
DERRY	03	9	MANCHESTER	01	6	SALEM	04	2
DERRY	04	14	MANCHESTER	02	2	SALEM	06	9
DURHAM		5	MANCHESTER	03	23	SANBORNTON		1
EPPING		2	MANCHESTER	04	17	SANDOWN		2
EPSOM		1	MANCHESTER	05	7	STRAFFORD		6
ERROL		1	MANCHESTER	06	6	STRATHAM		18
FARMINGTON	01	4	MANCHESTER	07	1	SWANZEY		7
FRANKLIN	01	1	MANCHESTER	08	13	TILTON		1
FRANKLIN	02	2	MANCHESTER	09	11	TROY		2
FRANKLIN	03	5	MANCHESTER	10	13	WEARE		1
FREMONT		1	MANCHESTER	11	1	WINDHAM		10
GILFORD		2	MANCHESTER	12	5	WOLFEBORO		1
GILMANTON		1	MEREDITH		3			
GOFFSTOWN	01	7	MERRIMACK	01	15	Total CVAs May 12 -December 2020		
GOFFSTOWN	05	1	MERRIMACK	02	12			745

Challenged Voter Affidavits (CVA's) January - June 2021 Town and City Ward Totals		
TOWN	WARD	Count
AMHERST		2
BOW		7
BROOKLINE		9
CONWAY		1
DERRY	03	3
ENFIELD		2
HAMPSTEAD		1
HAMPTON		3
HOOKSETT	02	2
KEENE	05	1
LEBANON	01	2
LEBANON	02	3
LEBANON	03	3
LITCHFIELD		1
MERRIMACK	01	6
MILFORD		1
MOULTONBOROUGH		1
PELHAM		2
PLAISTOW		2
SALEM	01	1
SALEM	06	3
STRATHAM		1
SWANZEY		6
WINDHAM		1
Total CVA's January to June 2021		64

Challenged Voter Affidavits (CVA's)		
July - December 2021		
Town and City Ward Totals		
TOWN	WARD	Count
BEDFORD		7
CLAREMONT	3	2
DANVILLE		1
DERRY	1	3
DERRY	2	6
DERRY	3	5
DERRY	4	3
DOVER	4	1
HANOVER		3
KEENE	2	3
KEENE	3	3
KEENE	4	2
KEENE	5	1
LACONIA	2	1
LACONIA	3	2
LACONIA	5	1
MANCHESTER	1	11
MANCHESTER	2	6
MANCHESTER	3	15
MANCHESTER	4	3
MANCHESTER	5	1
MANCHESTER	6	4
MANCHESTER	7	3
MANCHESTER	8	6
MANCHESTER	9	2
MANCHESTER	10	5
MANCHESTER	11	9
MANCHESTER	12	2
NASHUA	1	4
NASHUA	2	1
NASHUA	4	1
NASHUA	5	2
NASHUA	6	1
NASHUA	7	3
NASHUA	8	4
NASHUA	9	4
PORTSMOUTH	1	3
PORTSMOUTH	2	8
PORTSMOUTH	3	1
PORTSMOUTH	5	4
ROCHESTER	2	6
SOMERSWORTH	4	2
Total CVA's July to December 2021		155

Qualified Voter Affidavits (QVA'S)		
January - June 2019		
Town and City Ward Totals		
TOWN	Ward	Count
CONCORD	04	1
HANOVER		1
HAVERHILL		1
HINSDALE		1
LEBANON	01	1
NOTTINGHAM		1
PETERBOROUGH		2
PITTSBURG		1
TROY		1
Total QVA's January to June 2019		10

Qualified Voter Affidavits (QVA's)		
July - December 2019		
Town and City Ward Totals		
TOWN	WARD	Count
CONCORD	06	1
DOVER	04	1
DOVER	05	1
DOVER	06	1
MANCHESTER	03	2
MANCHESTER	07	1
Total QVA's July to December 2019		7

Qualified Voter Affidavits (QVAs)					
January - May 11, 2020					
Town and City Ward Subtotals					
Town Name	Ward	QVAs	Town Name	Ward	QVAs
ALBANY		1	KINGSTON		2
AMHERST		2	LACONIA	03	1
ANTRIM		1	LACONIA	04	2
BEDFORD		5	LEBANON	01	2
BELMONT		1	LEBANON	02	4
BETHLEHEM		4	LEBANON	03	1
BRADFORD		3	LINCOLN		2
BRENTWOOD		1	LONDONDERRY		4
BRIDGEWATER		1	LOUDON		2
BRISTOL		3	MADISON		1
BROOKFIELD		1	MANCHESTER	01	1
CANAAN		1	MANCHESTER	03	10
CANTERBURY		1	MANCHESTER	04	1
CHARLESTOWN		4	MANCHESTER	08	1
CHESTERFIELD		1	MANCHESTER	09	2
COLEBROOK		1	MANCHESTER	10	1
CONCORD	01	1	MANCHESTER	11	3
CONCORD	03	2	MANCHESTER	12	2
CONCORD	04	7	MEREDITH		3
CONCORD	05	1	MERRIMACK	01	3
CONCORD	06	2	MERRIMACK	02	2
CONCORD	07	2	MILFORD		12
CONCORD	08	1	NASHUA	02	1
CONCORD	09	1	NASHUA	04	5
CONCORD	10	3	NASHUA	06	1
CONWAY		3	NASHUA	08	1
DERRY	01	1	NEW DURHAM		1
DERRY	02	1	NEW IPSWICH		1
DERRY	03	2	NEW LONDON		2
DOVER	01	6	NORTHWOOD		2
DOVER	02	5	NOTTINGHAM		2
DOVER	03	3	OSSIPEE		1
DOVER	04	2	PELHAM		1
DOVER	05	3	PETERBOROUGH		5
DOVER	06	4	PITTSFIELD		2
DUBLIN		6	PLAISTOW		3
DURHAM		3	PLYMOUTH		6
EAST KINGSTON		1	RAYMOND		1
ENFIELD		2	RINDGE		2
EPPING		2	ROCHESTER	01	2
EPSOM		2	ROCHESTER	02	3
EXETER		1	ROCHESTER	04	5
FRANKLIN	01	1	ROCHESTER	05	1
GILFORD		2	ROCHESTER	06	1
GOFFSTOWN	01	5	RUMNEY		2
GOFFSTOWN	05	2	SALEM	04	2
GORHAM		2	SANDOWN		1
GRAFTON		1	SANDWICH		1
GREENVILLE		1	SOUTH HAMPTON		1
HAMPSTEAD		1	STODDARD		2
HAMPTON		6	STRATFORD		1
HANOVER		3	SUNAPEE		1
HAVERHILL		1	SUTTON		1
HENNIKER		1	WASHINGTON		1
HILLSBOROUGH		2	WEARE		1
HINSDALE		3	WHITEFIELD		1
HOOKSETT	01	1	WILTON		1
HOOKSETT	02	2	WINCHESTER		3
HOPKINTON		1	WINDHAM		5
HUDSON		8	Total QVAs January-May 11,2020		302
KEENE	01	24			
KEENE	04	1			
KEENE	05	1			

Qualified Voter Affidavits (QVAs)								
May 12-December, 2020								
Town and City Ward Subtotals								
Town	Ward	Count	Town	Ward	Count	Town	Ward	Count
ALLENSTOWN		4	GRAFTON		1	NEWPORT		15
ALTON		1	GRANTHAM		2	NEWTON		2
AMHERST		3	GREENVILLE		1	NORTH HAMPTON		1
ANDOVER		1	HAMPSTEAD		1	NORTHFIELD		1
ANTRIM		1	HAMPTON		13	NORTHUMBERLAND		3
ASHLAND		4	HANOVER		4	NORTHWOOD		1
ATKINSON		1	HAVERHILL		1	NOTTINGHAM		2
BARNSTEAD		2	HENNIKER		1	OSSIPEE		2
BARRINGTON		6	HILLSBOROUGH		1	PELHAM		5
BEDFORD		8	HINSDALE		4	PEMBROKE		1
BELMONT		1	HOLDERNESS		1	PETERBOROUGH		4
BENTON		1	HOLLIS		3	PITTSBURG		1
BERLIN	03	2	HOOKSETT	05	1	PITTSFIELD		1
BERLIN	04	4	HUDSON		3	PLAINFIELD		1
BETHLEHEM		5	JAFFREY		1	PLAISTOW		2
BOSCAWEN		1	KEENE	01	15	PLYMOUTH		13
BRADFORD		1	KEENE	02	3	PORTSMOUTH	01	1
BROOKLINE		2	KEENE	03	2	PORTSMOUTH	02	1
CANAAN		1	KINGSTON		2	PORTSMOUTH	03	2
CENTER HARBOR		2	LACONIA	02	2	RAYMOND		1
CHARLESTOWN		3	LACONIA	04	1	RINDGE		14
CHESTERFIELD		2	LACONIA	06	1	ROCHESTER	01	4
CLAREMONT	01	2	LANCASTER		1	ROCHESTER	02	11
CLAREMONT	02	2	LANDAFF		1	ROCHESTER	03	11
CLAREMONT	03	3	LANGDON		1	ROCHESTER	04	10
COLUMBIA		2	LEBANON	02	6	ROCHESTER	05	11
CONCORD	01	3	LITCHFIELD		1	ROCHESTER	06	15
CONCORD	02	1	LITTLETON		1	ROLLINSFORD		2
CONCORD	03	1	LONDONDERRY		5	RYE		3
CONCORD	04	2	LOUDON		3	SALEM	01	3
CONCORD	05	2	MADISON		1	SALEM	02	3
CONCORD	06	3	MANCHESTER	01	2	SALEM	04	1
CONCORD	07	2	MANCHESTER	02	1	SALEM	06	1
CONCORD	08	1	MANCHESTER	03	15	SANBORNTON		2
CONCORD	09	6	MANCHESTER	05	4	SANDOWN		1
CONCORD	10	3	MANCHESTER	06	2	SANDWICH		1
CONWAY		8	MANCHESTER	07	4	SEABROOK		3
CORNISH		2	MANCHESTER	08	1	SOMERSWORTH	01	10
DANVILLE		5	MANCHESTER	09	1	SOMERSWORTH	02	3
DEERFIELD		1	MANCHESTER	10	9	SOMERSWORTH	03	2
DEERING		2	MANCHESTER	11	1	SOMERSWORTH	04	3
DERRY	01	2	MANCHESTER	12	1	SOMERSWORTH	05	4
DERRY	02	4	MARLBOROUGH		6	STEWARTSTOWN		1
DERRY	03	4	MERRIMACK	01	8	STODDARD		1
DERRY	04	5	MERRIMACK	02	1	STRAFFORD		1
DOVER	01	20	MERRIMACK	03	4	STRATFORD		1
DOVER	02	15	MIDDLETON		5	SUNAPEE		2
DOVER	03	3	MILFORD		14	SURRY		1
DOVER	04	6	MILTON		3	SUTTON		2
DOVER	05	4	MONROE		2	TILTON		3
DOVER	06	7	MONT VERNON		1	TROY		2
DURHAM		1	MOULTONBOROUGH		6	TUFTONBORO		1
EFFINGHAM		4	NASHUA	01	6	WAKEFIELD		1
ENFIELD		1	NASHUA	02	2	WALPOLE	02	1
EPPING		4	NASHUA	03	5	WARNER		4
ERROL		1	NASHUA	04	3	WARREN		1
EXETER		4	NASHUA	05	4	WASHINGTON		1
FITZWILLIAM		1	NASHUA	06	1	WEARE		4
FRANKLIN	01	1	NASHUA	07	7	WHITEFIELD		2
FRANKLIN	02	3	NASHUA	08	1	WINCHESTER		4
FRANKLIN	03	3	NASHUA	09	1	WINDHAM		2
FREMONT		3	NEW BOSTON		5	WOLFEBORO		3
GILFORD		4	NEW IPSWICH		6	WOODSTOCK		1
GOFFSTOWN	01	7	NEW LONDON		1			
GOFFSTOWN	05	2	NEWMARKET		2	Total QVAs May 12 to December, 2020		652

Qualified Voter Affidavits (QVA's)		
January - June 2021		
Town and City Ward Totals		
TOWN	WARD	Count
ALTON		1
ANTRIM		2
BOW		1
EPPING		2
ERROL		1
FARMINGTON	01	1
GILSUM		1
PELHAM		1
WARREN		1
Total QVA's January to June 2021		11

Qualified Voter Affidavits (QVA's)		
July - December 2021		
Town and City Ward Totals		
TOWN	WARD	Count
CONCORD	4	1
DOVER	2	1
GREENLAND		1
KEENE	1	1
MANCHESTER	6	2
NASHUA	5	1
ROCHESTER	5	2
ROCHESTER	6	1
Total QVA's July - December 2021		10

Domicile Affidavits, 2006 through September 7, 2017**Sworn Statements of Domicile, effective September 8, 2017
through November 2018****Domicile Affidavits, 2018 through December 31, 2021**

Date Ranges	Sworn Statements of Domicile	Letters Sent to Voters who Provided no Evidence of Domicile (and, starting Sept 8, 2017, could not be verified) ***	Returned by the U.S. Postal Service: "Return to Sender"	Forwarded to AG for Investigation
Nov, 2012*	13,939	13,939	1,193	1,193
Jan - June, 2013	101	101	9	9
July - Dec, 2013	211	211	19	19
Jan - June, 2014	301	301	15	15
July - Dec, 2014	2,983	2,983	154	154
Jan - June 2015	279	279	69	69
July - Dec, 2015	552	552	37	37
Jan - May, 2016	2,657	2,657	283	283
May - Dec, 2016	6,033	6,033	458	458
Jan - June, 2017	338	338	46	24
July - Sept 7, 2017	48	48	1	1
Sept 8 - Dec, 2017**	126	3	2	2
Jan - June, 2018	115	5	1	1
June - Dec, 2018***	1,669	73	7	7
Jan - June, 2019	88	6	0	0
July - Dec, 2019	193	45	3	1
Jan - May 11, 2020	1,132	202	23	16
May 12 - Dec, 2020	2,937	2859****	186	24
Jan - June, 2021	290	120****	9	0
July - Dec, 2021	156	15	0	0

* In 2012, the Legislature adopted legislation with an effective date that was before the software could identify the date domicile affidavits had been signed. As a result, letters were sent to all those who were recorded as signing domicile affidavits from 2006 through 2012.

**A 2017 revision to RSA 654:12 named Senate Bill 3 requires the Secretary of State to conduct an inquiry regarding any letters returned as undeliverable. Such inquiry may include consulting with and examining public records held by, municipal officials, and interviewing persons living at the address listed on the letters. The 2017 revision introduced a new voter registration form that gives voters that don't provide evidence of domicile the option of returning with such evidence. As a result of these new vetting and follow-up requirements, follow-up letters were sent only to those whose domicile could not be independently verified.

*** In October of 2018 , the Hillsborough County Superior Court issued an injunction against the implementation of Senate Bill 3. Following this, the New Hampshire Supreme Court issued a stay of the lower court injunction, obligating election officials to use the Senate Bill 3 Voter Registration Form in the November, 2018 General Election. Starting the day after the November, 2018 General Election, local election officials began using the July 2016 Voter Registration Form and, when needed, the Domicile Affidavit Form used with that form.

****Due to staffing and time constraints was not able to do a thorough verification prior to sending letters to voters.

Domicile Affidavits (DA's)		
January - June 2019		
Town and City Ward Totals		
Town	Ward	Count
BOSCAWEN	00	1
CHICHESTER	00	1
CONCORD	04	2
CONCORD	05	1
CONCORD	06	1
DERRY	03	1
DUBLIN	00	1
EATON	00	1
ENFIELD	00	1
GILFORD	00	8
HAMPTON	00	1
HANOVER	00	1
HARRISVILLE	00	1
HOPKINTON	00	1
KEENE	02	2
KEENE	03	1
KEENE	04	2
LACONIA	01	2
LACONIA	02	1
LEBANON	02	1
LINCOLN	00	1
LONDONDERRY	00	1
MARLBOROUGH	00	1
MARLOW	00	5
MERRIMACK	01	1
MERRIMACK	03	1
MILFORD	00	1
NASHUA	01	2
NASHUA	02	1
NASHUA	04	4
NASHUA	05	1
NASHUA	07	1
NASHUA	09	3
NEW CASTLE	00	2
NEWTON	00	1
NOTTINGHAM	00	2
PITTSBURG	00	24
PLYMOUTH	00	1
PORTSMOUTH	04	1
SPRINGFIELD	00	1
TEMPLE	00	1
WARNER	00	1
Total DA's January-June 2019		88

Domicile Affidavits (DAs) July - December 2019 Town and City Ward Totals					
Town	Ward	Count	Town	Ward	Count
BEDFORD		1	MANCHESTER	07	10
CONCORD	02	1	MANCHESTER	08	3
CONCORD	04	5	MANCHESTER	09	4
CONCORD	05	2	MANCHESTER	10	6
CONCORD	06	2	MANCHESTER	11	5
CONCORD	08	2	MANCHESTER	12	5
CONCORD	09	1	MARLOW		7
CONCORD	10	1	NASHUA	01	1
DALTON		5	NASHUA	02	4
DEERING		1	NASHUA	03	4
DERRY	02	1	NASHUA	06	1
DERRY	03	2	NASHUA	07	3
DERRY	04	2	NASHUA	08	5
FREEDOM		1	NASHUA	09	1
GILFORD		8	NEWBURY		2
GILMANTON		7	PORTSMOUTH	01	1
HANOVER		7	PORTSMOUTH	02	1
JAFFREY		1	PORTSMOUTH	03	2
KEENE	01	2	PORTSMOUTH	04	2
KEENE	02	2	PORTSMOUTH	05	2
KEENE	03	3	ROCHESTER	01	1
KEENE	04	15	SHELBURNE		1
KEENE	05	1	SOMERSWORTH	02	4
LACONIA	02	1	SOMERSWORTH	04	1
LACONIA	05	7	SPRINGFIELD		1
LEBANON	01	2	TILTON		1
LEBANON	02	1	WHITEFIELD		1
LINCOLN		1	WINDHAM		1
MANCHESTER	01	2	Total DAs July-December 2019		193
MANCHESTER	02	3			
MANCHESTER	03	8			
MANCHESTER	04	10			
MANCHESTER	05	5			

Domicile Affidavits (DAs)											
January 1 - May 11, 2020											
Town and City Ward Totals											
Town	Ward	Count	Town	Ward	Count	Town	Ward	Count	Town	Ward	Count
ALTON		2	FREMONT		2	MANCHESTER	09	9	SALEM	02	4
ATKINSON		3	GILFORD		8	MANCHESTER	10	16	SALEM	03	2
AUBURN		1	GILMANTON		20	MANCHESTER	11	2	SALEM	04	2
BARRINGTON		4	GRANTHAM		11	MANCHESTER	12	14	SALEM	06	2
BEDFORD		4	GREENFIELD		1	MARLOW		34	SANBORNTON		1
BELMONT		7	GREENVILLE		5	MERRIMACK	01	3	SANDOWN		6
BENNINGTON		1	HAMPTON		15	MERRIMACK	02	2	SOMERSWORTH	02	1
BOSCAWEN		17	HANOVER		39	MILFORD		7	SOMERSWORTH	03	3
BOW		11	HARRISVILLE		1	MONROE		3	SOUTH HAMPTON		1
BRADFORD		1	HAVERHILL		2	MONT VERNON		1	SPRINGFIELD		3
BROOKLINE		6	HENNIKER		1	MOULTONBOROUGH		3	SULLIVAN		2
CANAAN		3	HILLSBOROUGH		10	NASHUA	02	9	TILTON		2
CANTERBURY		1	HOOKSETT	01	1	NASHUA	03	5	WARNER		1
CHICHESTER		5	HOOKSETT	05	1	NASHUA	04	16	WEBSTER		4
CLAREMONT	01	2	HOPKINTON		8	NASHUA	05	3	WESTMORELAND		5
CLAREMONT	03	3	JAFFREY		1	NASHUA	06	3	WHITEFIELD		1
CONCORD	01	12	KEENE	01	41	NASHUA	07	12	WILMOT		9
CONCORD	02	4	KEENE	02	2	NASHUA	08	4	WINDHAM		7
CONCORD	03	2	KEENE	03	11	NASHUA	09	3	WOLFEBORO		12
CONCORD	04	20	KEENE	04	7	NELSON		1	WOODSTOCK		2
CONCORD	05	16	KEENE	05	36	NEW BOSTON		4	Total DA's January 1 to May 12, 2020 1132		
CONCORD	06	35	KINGSTON		9	NEW CASTLE		3			
CONCORD	07	4	LACONIA	01	1	NEW HAMPTON		3			
CONCORD	08	7	LACONIA	03	9	NEW IPSWICH		16			
CONCORD	09	6	LACONIA	06	8	NEWBURY		10			
CONCORD	10	15	LANCASTER		1	NEWFIELDS		3			
CONWAY		2	LEBANON	01	10	NEWMARKET		7			
DEERFIELD		3	LEBANON	02	6	NOTTINGHAM		12			
DEERING		7	LEE		7	PELHAM		1			
DERRY	01	5	LINCOLN		29	PETERBOROUGH		3			
DERRY	02	1	LITTLETON		7	PLYMOUTH		12			
DERRY	03	13	LONDONDERRY		16	PORTSMOUTH	01	8			
DERRY	04	7	LOUDON		7	PORTSMOUTH	02	6			
DORCHESTER		1	LYNDEBOROUGH		8	PORTSMOUTH	03	5			
DOVER	01	1	MADBURY		3	PORTSMOUTH	04	3			
DUNBARTON		1	MADISON		1	PORTSMOUTH	05	8			
DURHAM		83	MANCHESTER	01	5	RAYMOND		2			
EAST KINGSTON		1	MANCHESTER	02	6	ROCHESTER	01	9			
EPSOM		2	MANCHESTER	03	18	ROCHESTER	02	3			
EXETER		6	MANCHESTER	04	25	ROCHESTER	03	5			
FARMINGTON		3	MANCHESTER	05	14	ROCHESTER	04	1			
FRANKLIN	01	1	MANCHESTER	06	10	ROCHESTER	05	13			
FRANKLIN	02	2	MANCHESTER	07	3	ROCHESTER	06	2			
FRANKLIN	03	5	MANCHESTER	08	9	SALEM	01	2			

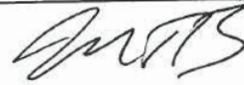
Domicile Affidavits (DAs)											
May 12-December, 2020											
Town and City Ward Subtotals											
Town	Ward	Count	Town	Ward	Count	Town	Ward	Count	Town	Ward	Count
ACWORTH		1	FRANCONIA		3	MANCHESTER	06	15	ROLLINSFORD		4
ALSTEAD		1	FRANKLIN	01	5	MANCHESTER	07	32	RYE		1
ALTON		18	FRANKLIN	02	12	MANCHESTER	08	19	SALEM	01	4
ATKINSON		37	FRANKLIN	03	5	MANCHESTER	09	31	SALEM	02	2
AUBURN		2	FREMONT		3	MANCHESTER	10	42	SALEM	03	8
BARRINGTON		1	GILFORD		25	MANCHESTER	11	36	SALEM	04	10
BEDFORD		14	GILMANTON		19	MANCHESTER	12	8	SALEM	06	1
BELMONT		22	GRAFTON		8	MARLOW		66	SANBORNTON		9
BERLIN	02	2	GRANTHAM		64	MERRIMACK	01	6	SANDOWN		5
BETHLEHEM		14	GREENFIELD		1	MERRIMACK	02	2	SHARON		5
BOSCAWEN		1	GREENLAND		4	MILFORD		17	SOMERSWORTH	04	1
BOW		28	GREENVILLE		5	MILTON		1	SOUTH HAMPTON		2
BRENTWOOD		1	HAMPSTEAD		1	MONROE		5	SPRINGFIELD		5
BRIDGEWATER		32	HAMPTON		37	MONT VERNON		5	STRATHAM		6
BRISTOL		18	HAMPTON FALLS		1	MOULTONBOROUGH		9	SUNAPEE		1
BROOKFIELD		1	HANOVER		57	NASHUA	01	18	SURRY		1
BROOKLINE		21	HARRISVILLE		2	NASHUA	02	29	SUTTON		13
CAMPTON		7	HART'S LOCATION		1	NASHUA	03	31	SWANZEY		7
CENTER HARBOR		5	HILLSBOROUGH		5	NASHUA	04	62	TAMWORTH		2
CHESTER		2	HOLLIS		2	NASHUA	05	10	TILTON		7
CHESTERFIELD		2	HOPKINTON		16	NASHUA	06	67	UNITY		3
CHICHESTER		12	HUDSON		71	NASHUA	07	44	WAKEFIELD		1
CLAREMONT	03	1	JACKSON		1	NASHUA	08	31	WARNER		9
CONCORD	01	24	JAFFREY		1	NASHUA	09	16	WEBSTER		1
CONCORD	02	17	KEENE	01	10	NEW CASTLE		14	WENTWORTH		5
CONCORD	03	5	KEENE	02	30	NEW DURHAM		3	WILMOT		2
CONCORD	04	23	KEENE	03	27	NEW IPSWICH		7	WINDHAM		124
CONCORD	05	19	KEENE	04	25	NEWBURY		8	WOLFEBORO		12
CONCORD	06	46	KEENE	05	24	NEWFIELDS		2	Total DA's May 12 to December 2020 2937		
CONCORD	07	17	KINGSTON		17	NEWINGTON		1			
CONCORD	08	11	LACONIA	01	10	NEWMARKET		22			
CONCORD	09	18	LACONIA	02	4	NEWPORT		1			
CONCORD	10	11	LACONIA	03	26	NEWTON		6			
CONWAY		45	LACONIA	04	5	NOTTINGHAM		16			
DANVILLE		3	LACONIA	05	7	OSSIPEE		24			
DEERING		8	LACONIA	06	11	PELHAM		1			
DERRY	01	26	LANCASTER		3	PEMBROKE		9			
DERRY	02	28	LEBANON	01	17	PETERBOROUGH		4			
DERRY	03	28	LEBANON	02	16	PIERMONT		1			
DERRY	04	53	LEBANON	03	7	PITTSFIELD		6			
DOVER	01	4	LEE		7	PLAISTOW		1			
DOVER	02	3	LEMPSTER		25	PLYMOUTH		58			
DOVER	03	13	LINCOLN		12	PORTSMOUTH	01	15			
DOVER	04	5	LISBON		6	PORTSMOUTH	02	22			
DOVER	05	2	LITCHFIELD		3	PORTSMOUTH	03	20			
DOVER	06	2	LITTLETON		25	PORTSMOUTH	04	14			
DUBLIN		2	LONDONDERRY		29	PORTSMOUTH	05	26			
DURHAM		129	LOUDON		8	RAYMOND		2			
ENFIELD		4	LYMAN		4	RINDGE		2			
EPPING		11	LYNDEBOROUGH		17	ROCHESTER	01	1			
EPSOM		2	MANCHESTER	01	25	ROCHESTER	02	6			
EXETER		9	MANCHESTER	02	24	ROCHESTER	03	8			
FARMINGTON		15	MANCHESTER	03	54	ROCHESTER	04	13			
FITZWILLIAM		4	MANCHESTER	04	33	ROCHESTER	05	27			
FRANCESTOWN		4	MANCHESTER	05	34	ROCHESTER	06	16			

Domicile Affidavits (DA's)		
January - June 2021		
Town and City Ward Totals		
TOWN	WARD	Count
ATKINSON		1
BOW		1
CANDIA		2
CONCORD	02	3
CONCORD	06	1
DALTON		6
DERRY	01	2
DERRY	02	1
DERRY	03	1
DERRY	04	1
FARMINGTON	01	1
GRANTHAM		2
HAMPTON		1
HANOVER		4
HARRISVILLE		1
HUDSON		174
KEENE	01	1
KEENE	02	1
KEENE	04	7
KEENE	05	6
KINGSTON		2
LEMPSTER		3
MANCHESTER	02	1
MANCHESTER	03	1
MANCHESTER	08	1
MANCHESTER	10	3
MANCHESTER	11	23
MANCHESTER	12	24
MERRIMACK	01	1
NASHUA	01	1
NEW DURHAM		2
NEW IPSWICH		1
NOTTINGHAM		4
PETERBOROUGH		2
SANDOWN		1
SHELBURNE		1
SPRINGFIELD		1
WEARE		1
Total DA's January to June 2021		290

NOTE: 290 records on file, but one Hudson Supervisor checked the domicile affidavit box for every new voter. After their review of the voter registration forms, removed 170 voters from Hudson as done in error.

Domicile Affidavits (DA's)					
July -December 2021					
Town and City Ward Totals					
TOWN	WARD	Count	TOWN	WARD	Count
ATKINSON		3	NASHUA	01	4
BEDFORD		4	NASHUA	03	2
CONCORD	01	4	NASHUA	04	1
CONCORD	02	1	NASHUA	05	2
CONCORD	03	1	NASHUA	06	4
CONCORD	04	3	NASHUA	08	2
CONCORD	05	8	NASHUA	09	1
CONCORD	06	1	PORTSMOUTH	01	1
CONCORD	07	4	PORTSMOUTH	03	1
CONCORD	08	3	ROCHESTER	05	1
CONCORD	09	1	SPRINGFIELD		2
CONCORD	10	3	Total DA's July to December 2021		156
CONWAY		1			
DANBURY		2			
DERRY	02	1			
DERRY	03	1			
DERRY	04	6			
DURHAM		2			
FRANKLIN	02	1			
GRANTHAM		1			
GREENLAND		1			
HANOVER		6			
HARRISVILLE		2			
KEENE	01	5			
KEENE	02	5			
KEENE	03	2			
LACONIA	03	1			
LACONIA	06	2			
LANCASTER		1			
LONDONDERRY		2			
LOUDON		1			
MANCHESTER	02	5			
MANCHESTER	03	8			
MANCHESTER	04	11			
MANCHESTER	05	8			
MANCHESTER	06	2			
MANCHESTER	07	3			
MANCHESTER	08	4			
MANCHESTER	09	4			
MANCHESTER	10	4			
MANCHESTER	11	4			
MANCHESTER	12	2			
MONT VERNON		1			

Events Note to File



Wrongful Voting

2018131821 8/7/2018 Note to File
4:24 PM

A supervisor of the checklist of Salem, Melissa Sorcinelli, called on May 8, 2018, to discuss a situation where she believed a non-citizen is registered to vote and voted in prior elections. She wanted to know what to do. Chief Investigator Richard Tracy spoke with her. She related that [REDACTED] registered to vote in 2000 in the town of Salem and voted in 2008 and 2010. [REDACTED] admitted to Sorcinelli that he had a permanent green card, leading Sorcinelli to believe that he is not a US Citizen.

On May 8, 2018, Tracy communicated with USICE Special Agent Timothy Stevens who explained that [REDACTED] has been in removal/deportation proceedings for approximately 6 years and his case is scheduled to be heard in 2021. Stevens explained that [REDACTED] overstayed his visit in 1990, in that he never left. [REDACTED] later married an American and gained permanent status in the United States. Stevens stated that they learned that he illegally voted in 2008 and 2010, which is part of the reason that [REDACTED] is in the removal proceedings process.

The statute of limitations on this matter has expired and we cannot take any enforcement action for the alleged wrongful voting. Sorcinelli indicated that she would send a 30 day notice of removal from the checklist based upon [REDACTED] statements to her under RSA 654:36-a.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

February 11, 2019

SENT VIA CERTIFIED MAIL

Angie Ward
[REDACTED]

Re: Violation of RSA 659:34 Wrongful Voting - Civil Penalty Assessment
Amount Due Within 30 days: \$500.00

Dear Ms. Ward:

On November 22, 2016, this Office received a complaint from the Hill Town Clerk, Shelly Henry. The complaint alleged that you "partially filled out a voter registration form and [were] permitted to vote by the Supervisors of the Checklist" despite what appeared to be an anomaly on your voter registration form. The complaint stated that you "either [are] not a U.S. Citizen or there is missing information on [your] voter registration form." This Office conducted an investigation.

On November 1, 2018, you spoke with Chief Investigator Richard Tracy. You admitted that you registered and voted in Hill on the day of the November 8, 2016 General Election. You also admitted that you are not a United States citizen. You explained that you are a German citizen living in the country legally.

On the day of the election, you approached the Hill voter registration table with your driver's license, social security card, and immigration paperwork and asked if you could register to vote. You allege that you stated to one of the supervisors of the checklist that you were a "German citizen living in the United States legally" and that you had paperwork with you to prove this. You claim that the election official said that you could register and vote. This conversation, however, cannot be corroborated with any other witness.

Chief Investigator Tracy interviewed the Town Clerk, Shelly Henry, and two supervisors of the checklist who recalled this incident, Anne Ford and Marie Stanley. None of these town officials could confirm that you had made the above statement to them, rather they recount that you simply showed a New Hampshire's driver's license and completed the registration form. Anne Ford, who signed and approved your registration form, stated that there "was never any

Ms. Angie Ward

Page 2 of 3

conversation...about citizenship" between you and her. Ms. Stanley agreed that no such conversation took place.

When completing the registration form on November 8, 2016, you checked off "No" on the registration form where it asks "are you a citizen of the United States?" Although you answered this question honestly, the registration form provides clear notice that you were not eligible to vote. You signed an affidavit and acknowledgment on the form which stated:

I understand that to vote in this ward/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

[...]

I acknowledge that I have read and understand the above qualifications and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

(emphasis added). Additionally, the affidavit that you signed outlined the penalty for wrongful voting.

All three town officials stated that they did not notice anything wrong with your registration until after you were provided a ballot, voted, and had left the polling place. Ms. Ford handed your registration form to Ms. Stanley, who was responsible for entering information into the statewide voter database, known as ElectionNet. Ms. Stanley began entering your information into the system when she noticed that you indicated on form that you were not in fact a United States citizen. At first, Ms. Stanley thought this was a mistake. She explained that she saw your driver's license and "assumed [it] would have somehow been different if [you] were not a United States citizen." During the conversation with Investigator Tracy, Ms. Ford accepted responsibility for failing to closely review your registration, especially the citizenship section, before approving it.

Pursuant to RSA 659:34, I (c), it is unlawful for a person to vote for any office or measure at an election if such person is not a United States citizen. RSA 654:1. A violation of this law constitutes a class B felony if the person acts knowingly or purposely. RSA 654:34, II. A criminal conviction under this circumstance could carry a potential penalty of forfeiting one's right to vote under the New Hampshire Constitution, Part I, Article 11.

In lieu of pursuing criminal prosecution, RSA 659:34 also authorizes this Office to issue civil penalties for individuals who engage in wrongful voting. It is clear that the election officials in the Town of Hill should not have accepted your registration in light of your representation on the registration form. Due in part to these errors by town officials, we have determined that the evidence in your circumstance did not rise to the level of criminal misconduct, and therefore we are issuing a civil penalty in lieu of prosecution.

Ms. Angie Ward
Page 3 of 3

However, based on all of the evidence, this Office is not convinced that you were as forthright about your citizenship status as you allege. There are no witnesses that could corroborate your conversation with election officials about your citizenship status. Additionally, you were provided adequate notice on the registration form that you must be a United States citizen in order to vote in our State's elections. Your admission that you voted and that you were not a United States citizen, despite signing an affidavit on your registration form indicating that you were, is sufficient to warrant a civil penalty in this instance.

Prior to the 2018 General Election, Investigator Tracy informed you that you were not eligible to vote and you stated that you would not attempt to do so going forward. We have also notified the Town of Hill that you are not a United States citizen and advised that you should be removed from the voter checklist unless and until you obtain citizenship.

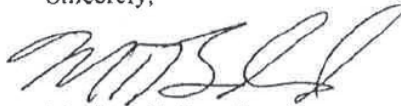
In light of the above detailed facts, we find that you violated RSA 659:34, I (e) because you voted at an election despite not being qualified to do so under RSA 654. Your actions are serious violations of New Hampshire's election laws. This letter serves as official written notice that this Office is hereby imposing a civil penalty of \$500.00 pursuant to RSA 659:34, III, because you violated RSA 659:34, I (e) on November 8, 2016.

Your payment of this penalty in the amount of \$500.00 must be delivered to our office within thirty (30) days of this letter. In the event that you either fail to make timely payment of this penalty our office will initiate further enforcement action.

Your payment of \$500.00 shall be made by check made payable to "Treasurer, State of New Hampshire" and mailed to the Office of the Attorney General, 33 Capitol Street, Concord, NH 03301, Attention: Assistant Attorney General Matthew T. Broadhead.

Pursuant to RSA 659:34, IV, you may appeal this decision to superior court. You must file an appeal within 30 days of the date you receive this letter. Thank you for your attention to this matter.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
Election Law Unit
(603) 271-3650
matthew.broadhead@doj.nh.gov

cc: Sherry Henry, Town of Hill
The Honorable William M. Gardner, Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

March 18, 2020

SENT VIA EMAIL

Catherine Mazzola
[REDACTED]

Re: **CEASE AND DESIST ORDER**
Warning for violation of RSA 659:34

Dear Ms. Mazzola:

On December 13, 2018, this Office received a complaint from the Keene City Clerk, Patricia Little. The complaint alleged that on November 6, 2018 you registered to vote on Election Day despite not being a United States citizen. The complaint stated that you told election officials you had a friend in Maine who was under a "Green Card" status, but was entitled to vote except in Presidential Elections.

We learned that at some point during the registration process, you and election officials had searched online about whether a resident with a Green Card could vote. We understand that you were ultimately permitted to register, given a ballot, and allowed to vote.

The voter registration form you completed on November 6, 2018 clearly shows that you marked "No" next to the question asking if you are a United States citizen. Additionally, it appears you also wrote below this question, "has a green card." Although you answered this question honestly, the registration form provides clear notice that you were not eligible to vote. You signed an affidavit and acknowledgment on the registration form which stated:

I understand that to vote in this ward/town, I must be 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

[...]

I acknowledge that I have read and understand the above qualifications and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Ms. Catherine Mazzola
Page 2 of 2

(emphasis added). Additionally, the affidavit that you signed outlined the penalty for wrongful voting.

We also received and reviewed your prior voter registration card for Keene, which you signed on November 5, 2002. The card indicates that your place of birth is Angeers, France.

On January 24, 2020, you spoke with Chief Investigator Richard Tracy over the phone. After Investigator Tracy explained the purpose of his call, you immediately stated that you only vote in local and not federal elections since you have a Green Card.

It is clear that the election officials in the City of Keene should not have accepted your registration in light of your verbal representations as well as your responses on the registration form. Due in part to these errors by election officials, we have determined that the evidence in your circumstance did not rise to the level of criminal misconduct.

However, you have now been informed by Investigator Tracy that since you are not a United States citizen, you are not eligible to vote in any local, state, or federal election. We have also notified the City of Keene that you are not a United States citizen and advised that you should be removed from the voter checklist unless and until you obtain citizenship.

We have concluded that you were not a citizen when you voted during the November 2018 election, and therefore were not qualified to vote. Be advised that your actions could have constituted a violation of RSA 659:34, I(e) which prohibits "vot[ing] for an office or measure at an election if such person is not qualified to vote as provided in RSA 654." A violation of this law constitutes a class B felony if the person acts knowingly or purposely. RSA 654:34, II.

Pursuant to Part I, Article 11 of the New Hampshire Constitution, RSA 659:34, and RSA 654:1, and based upon the investigation conducted by our office, you are hereby ordered to **Cease and Desist from voting in New Hampshire unless and until you establish United States citizenship in addition to satisfying the other qualifications to vote in this State.** Failure to comply with this Cease and Desist Order may result in this office pursuing criminal prosecution or civil penalties.

Sincerely,



Nicholas A. Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-3650
nicholas.chongyen@doj.nh.gov

cc: Patricia A. Little, City of Keene
The Honorable William M. Gardner, Secretary of State

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

April 13, 2020

[REDACTED]
Manchester, NH 03102

Dear [REDACTED]:

On February 12, 2020, this Office was notified by the Manchester City Clerk's Office that you provided a letter from United States Citizenship and Immigration Services requesting your removal from the voter checklist. We understand you are currently working toward Naturalization and this is a condition of that process.

On April 6, 2020, during a telephone conversation with Chief Investigator Richard Tracy, you acknowledged that you registered to vote and voted in 2016 in New Hampshire. However, at the time of your registration, you believed that you were in fact a United States citizen. You stated to Investigator Tracy that it was not until 2018 when you learned that you moved to Manchester, New Hampshire when you were 3 years old. Your parents never told you that you were not a United States citizen. Additionally, prior to your registration, you obtained a New Hampshire driver's license and were under the impression that the issuance of the license confirmed you were a U.S. citizen.

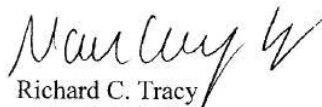
New Hampshire RSA 659:34, states in part that it is illegal to vote for any office or measure at an election if the person is not qualified to vote as provided in RSA 654. RSA 654:12 states that the supervisors of the checklist shall require the applicant present proof of citizenship, age, and domicile.

We understand Manchester has sent you a 30-day letter for removal from the checklist, and that it is your intention to be removed to fulfill one of the conditions of your Naturalization. However, unless and until you become a United States citizen, you cannot register to vote or vote in any election in New Hampshire.

This matter is closed. Please feel free to contact this Office if you have any questions.

Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Tracy", with a stylized flourish at the end.

Richard C. Tracy
Chief Investigator
Criminal Justice Bureau
(603) 271-3671
richard.tracy@doj.nh.gov

cc: JoAnn Ferruolo, Manchester Deputy City Clerk
Orville Fitch, Assistant Secretary of State

NEWS RELEASE

Released by: John M. Formella, Attorney General

Subject: Ole Oisin Pled Guilty to Wrongful Voting

Date: Thursday, June 1, 2021

Contact: Kate Giaquinto, Director of Communications
kate.giaquinto@doj.nh.gov / (603) 573-6103

Nicholas Chong Yen, Assistant Attorney General
nicholas.chongyen@doj.nh.gov

Concord, NH – Attorney General John M. Formella announces that Ole Oisin, age 47, of Hopkinton, New Hampshire, pled guilty to two counts of Wrongful Voting – both Class A Misdemeanors – in the 6th Circuit – District Division – Concord on Tuesday, June 1, 2021.

On the first charge, Mr. Oisin submitted a voter registration form containing false material information, specifically, that his place of birth was "Senegal, Nation of Islam," and his date of birth was "04/19/84." Also, he did not provide information that he was a naturalized citizen. Mr. Oisin was born in Ireland.

For the second charge, Mr. Oisin submitted a domicile affidavit containing false material information, specifically, that he did not provide his actual domicile address, he wrote that his date of birth was "04/2001," and that his place of birth was "Senegal."

On the first charge, Mr. Oisin was sentenced to 90 days at the House of Corrections, all suspended for two years on the condition of his good behavior. The Court also ordered Mr. Oisin to pay a \$2,000 fine, with \$1,000 suspended for two years.

For the second charge, Mr. Oisin was sentenced to 90 days at the House of Corrections, all suspended for two years on the condition of his good behavior. This sentence is to be served concurrently to the first if imposed.

As a consequence of Mr. Oisin's election law conviction and pursuant to Part I, Article 11 of the New Hampshire Constitution, his right to vote in New Hampshire is terminated.

The case was prosecuted by Assistant Attorney General Nicholas Chong Yen of the Election Law Unit. The investigation into this matter was conducted by Chief Investigator Richard Tracy of the Election Law Unit.

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

February 10, 2023

[REDACTED]
Chester, NH 03036

Re: **CEASE AND DESIST ORDER**
[REDACTED] Alleged Wrongful Voting

Dear [REDACTED]:

On May 6, 2022, this Office received a complaint alleging that you had been engaging in a pattern of unlawful voting in the Town of Chester since May of 2015. This investigation followed. This Office concludes that you did engage in a pattern of illegal voting. However, this Office further acknowledges that you were provided with faulty and conflicting information by Chester town officials who reviewed your voter registration and your subsequent efforts to confirm your qualifications to vote. Therefore, this Office concludes this matter with this Order that you refrain from voting in the State of New Hampshire so long as you are not a United States citizen.

I. FACTUAL BACKGROUND

a. Initial Complaint and Contact with Dianna Charron

On May 6, 2022, Dianna Charron, a Chester Supervisor of the Checklist, contacted the New Hampshire Attorney General's Office Election Law Unit and spoke to Investigative Paralegal Jill Tekin. Ms. Charron reported that she recently discovered that you had registered to vote, you had voted multiple times in the Town of Chester, and that you may not be a United States citizen.

That same day, Deputy General Counsel Myles Matteson reached out to Ms. Charron to obtain additional information. Ms. Charron indicated that you were a [REDACTED] employee who had registered to vote, voted in the May 12, 2015 Town of Chester election, and had voted multiple times since. You did not present a birth certificate or a U.S. passport when registering to vote, but signed an affidavit. Ms. Charron further explained that you recently contacted her because of an immigration matter. She explained that you sounded distressed, stating, "I guess I didn't understand what I was signing" and "I thought I could vote if I wasn't a U.S. citizen."

██████████ Cease and Desist Order

Page 2 of 6

On June 28, 2022, Chief Investigator Richard Tracy contacted Ms. Charron. She further indicated that it was her signature on your voter registration from 2015 but that she did not specifically recall registering you to vote in 2015. Ms. Charron clarified that she contacted this Office after you reached out to her for a copy of your “original voter registration card” and voting history. You insisted that Ms. Charron did not tell you in 2015 that you needed to be a U.S. citizen in order to register to vote.

Ms. Charron explained that she has a “standard spiel” that she tells everyone who wants to register to vote who does not have a birth certificate or U.S. passport with them at the time of registering that they still may register to vote by filling out an affidavit and swearing that they are a U.S. citizen. Ms. Charron stated that you kept insisting that she did not tell you that. Ms. Charron stated that she has worked as a Supervisor of the Checklist for 20 years and “that’s my speech” that she gives to everyone who does not have proper documentation with them.

In your recent conversation with her, you told her that you had an immigration proceeding and that you needed an affidavit from Ms. Charron and Leslie Packard, the other Supervisor of the Checklist who signed your registration form. You told her in conversations at that time that you would not have registered to vote had you known of the citizenship requirement.

In reviewing your voter registration form, Ms. Charron noted that it appeared that she wrote “Boston” on your form where it asked for a “Place of Naturalization.” Without being able to recall a specific memory, Ms. Charron surmised that after you filled out the registration form and walked away from the table, she noted that section was not filled out. Ms. Charron explained that she would not have been able to enter your information into *ElectionNet*, the state voter registration system, without your place of naturalization. Ms. Charron stated that either you told her “Boston” or she wrote “Boston” with the intention of confirming that with you later. She repeated that she no longer had any recollection of that transaction.

On July 1, 2022, Ms. Charron provided Investigator Tracy with notarized copies of the following documents:

- A letter from Ms. Charron outlining what may have happened on May 12, 2015, when you registered to vote;
- Your May 12, 2015 voter registration form;
- Your May 12, 2015 qualified voter affidavit;
- An Election Day New Voter Log, dated May 12, 2015, that contains your name;
- Chester Town Election Voter Checklist, dated May 10, 2016, with your name checked off (page 210);
- Chester Town Election Voter Checklist, dated May 14, 2016, with your name checked off (page 210);
- Chester Town Election Voter Checklist, dated May 9, 2017, with your name checked off (page 227);
- Chester Town Election Voter Checklist, dated May 13, 2017, with your name checked off (page 227);

██████████ Cease and Desist Order

Page 3 of 6

- Chester Town Election Voter Checklist, dated May 8, 2018, with your name checked off (page 225);
- Chester State Election Voter Checklist, dated November 6, 2018, with your name checked off (page 221);
- Chester Town Election Voter Checklist, dated May 14, 2019, with your name checked off (page 226);
- Chester Presidential Primary Election Voter Checklist, dated February 11, 2020, with your name checked off (page 231);
- Chester Town Meeting Voter Checklist, dated March 14, 2020, with your name checked off (page 235);
- Chester Town Meeting Voter Checklist, dated June 20, 2020, with your name checked off (page 235);
- Chester State Election Voter Checklist, dated November 3, 2020, with your name checked off (page 243);
- Chester Town Election Voter Checklist, dated May 11, 2021, with your name checked off (page 254);
- Chester Town Election Voter Checklist, dated March 8, 2022, with your name checked off (page 222);
- Chester Town Election Voter Checklist, dated March 10, 2022, with your name checked off (page 222);

b. Contact with Michael Oleson

On July 20, 2022, Investigator Tracy reached out Michael Oleson. Mr. Oleson explained that he had been a road agent in Chester for about 16 years and had regular contact with you ██████████. Mr. Oleson recalled you telling him at some point that a supervisor of the checklist told you that you could vote. He recalled that, although he was surprised to learn that you were voting in federal elections, you told him that you truly believed you could legally vote in Chester because that is what you had been told by local election officials. Mr. Oleson was not surprised to learn that you were voting in town elections as you were a tax paying resident of the town. Mr. Oleson was firm in stating that you were not being deceptive and that you truly believed that you were allowed to vote in Chester.

c. Contact with Stephan Landau

On July 21, 2022, Investigator Tracy reached out to Chester Selectman Stephan Landau. Mr. Landau said that he knew you very well, he was familiar with you as a resident ██████████. Mr. Landau was aware that you were registered to vote in town and believed it was one of the two former town clerks who told him that. He further explained that he thought it was Barbara Gagnon who had told him and, as the town clerk, Ms. Gagnon was a stickler for the rules. Mr. Landau believed that you were legally allowed to vote in town elections, but not in state and federal elections.

Mr. Landau also told Investigator Tracy that ██████████, is an English citizen who has not applied for American citizenship. At some point after learning that you were

██████████, Cease and Desist Order
Page 4 of 6

registered to vote in town and were voting, Mr. Landau told ██████████ that he believed ██████████ could vote in town elections. ██████████ told Mr. Landau that he did not believe that to be the case. Mr. Landau did not feel that it was his place to inquire further.

Mr. Landau confirmed that, after speaking with other residents of the town, everyone that he spoke to seemed to believe that you were allowed to vote and that you were not doing anything illegal. Mr. Landau felt strongly that you did not try to deceive anyone and this was the result of some kind of mix up or miscommunication.

d. Contact with ██████████

On July 21, 2022, Investigator Tracy reached out to ██████████ explained that she was aware that you had previously spoken to Investigator Tracy and that you were “mortified” when you found out that you should not have been voting. She explained that you believed that you had the right to vote right up until you had your interview with immigration officials. ██████████ recalled that you and she had spoken about whether you could vote before you registered to vote. She recalled that, when the two of you went to vote on May 12, 2015, ██████████ received her ballot while you told the ballot clerk that you were not a citizen but you were a resident of the town and wanted to know if you could vote. ██████████ could not recall if you filled out all the paperwork right then or if you took it home first to fill it out and then returned later to vote.

While not providing a specific date, ██████████ recalled another occasion where the two of you went to vote and you told the ballot clerk that you were not a citizen but a resident of the town. The ballot clerk checked the list and noted that your name was on it as an registered voter, allowing you to vote.

██████████ stated that you never lied and did not understand why they would allow you to register if you were not allowed to vote when you called to election officials’ attention that you were not a U.S. citizen. ██████████ also noted that you were honest with immigration officials when they asked if you had ever voted in the United States because you truly thought you had the right to vote.

e. Contact with Barbara Cannon

On July 26, 2022, Investigator Tracy spoke to Chester Deputy Town Clerk Barbara Cannon. Ms. Cannon explained that she had not heard about this investigation before that point. She explained that she had been working in the Chester Town Clerk’s office since June of 2015 before becoming the Deputy Town Clerk in January of 2016. She further stated that no one had ever questioned her about your right to vote and this was the first she had heard of any problems.

f. Contact with you

On July 15, 2022, Investigator Tracy met with you for a recorded conversation at the New Hampshire Department of Justice in Concord, New Hampshire. You told Investigator Tracy how you moved to the United States in 2010 and were living here on a green card. Prior to 2015,

██████████, Cease and Desist Order
Page 5 of 6

you spoke to various individuals about voting with some of them telling you that you should be allowed to vote as you are a tax-paying resident of Chester.

You confirmed that you went to the May 12, 2015 town election with ██████████. You recalled that you told the clerk handing out ballots who you were and asked if you were eligible to vote. You said the clerk directed you to another table to ask the same question of the supervisor of the checklist. Rather than giving you an answer, they gave you two forms which you filled out and returned to the same table.

Investigator Tracy went over the forms that you filled out with you and you acknowledged the sections that you filled out. You were adamant that you did not fill in the "Place of Naturalization" on either form as you had never been naturalized. Where the forms read "Boston" as the "Place of Naturalization," you indicated that it was not written in your handwriting and you did not check off that you were a citizen on the Qualified Voter Affidavit. You did not know who wrote this on the forms.

You confirmed that while your phone number did appear on the document, it was also not in your handwriting and you believed that had been written after you turned in the forms and walked away from the registration table. You stated that no one from the Town of Chester had ever asked you if you had been naturalized, if you had a passport, or if you had a birth certificate. You admitted that you had not thoroughly read the affidavit sections of the Qualified Voter Affidavit or the voter registration.

You indicated that you predominantly vote in town elections and that you voted in the General Election in 2018 as a result of staying on top of current affairs.

You further explained that, after learning you were a registered voter, Mike Oleson questioned you about your eligibility to vote and you told him that you filled out the relevant forms and no one ever told you that you could not vote, even after you specifically brought to election officials' attention your foreign citizenship.

II. APPLICABLE LAW & ANALYSIS

Under RSA 654:12, election officials are required to verify that individuals are citizens of the United States, among other requirements, before they may be allowed to register to vote. Those who vote while not qualified to do so as required by RSA 654 are subject to criminal liability under New Hampshire law and are also subject to a civil penalty of up to \$5,000. RSA 659:34.

It is clear that you voted numerous times in violation of state law. This is readily confirmed by the records provided to this Office and by your own statements. It is equally clear, however, that the election officials in the Town of Chester should not have accepted your registration in the first place, particularly after your own statements about being a foreign national and asking if you were eligible to vote. In reviewing your own account of events as well as all other witnesses interviewed in the course of this investigation, there is no indication that

[REDACTED], Cease and Desist Order
Page 6 of 6

you had any intention to deceive. Due in part to the errors by election officials, we have determined that in this circumstance further investigation or charges are inappropriate.

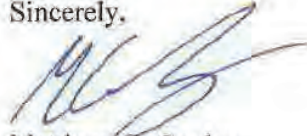
However, you have now been informed by this Office that since you are not a United States citizen, you are not eligible to vote in any local, state, or federal election. We have also notified the Town of Chester that you are not a United States citizen and advised election officials that you should be removed from the voter checklist unless and until you obtain citizenship.

III. CONCLUSION

We conclude that you were not a citizen when you voted in the Town of Chester. Be advised that your actions are inconsistent with the requirements of RSA 659:34, I(e) which prohibits "vot[ing] for an office or measure at an election if such person is not qualified to vote as provided in RSA 654." A violation of this law constitutes a class B felony if the person acts knowingly or purposely, RSA 654:34, II. We find that you did not act knowingly or purposely.

Pursuant to Part I, Article 11 of the New Hampshire Constitution, RSA 659:34, and RSA 654:1, and based upon the investigation conducted by this Office, you are hereby ordered to **Cease and Desist from voting in New Hampshire unless and until you establish United States citizenship in addition to satisfying the other qualifications to vote in this State.** Failure to comply with this Cease and Desist Order may result in this Office pursuing criminal prosecution or civil penalties.

Sincerely,



Matthew G. Conley
Attorney
Civil Bureau
(603) 271-6765
matthew.g.conley@doj.nh.gov

CC: Chester Town Clerk Elizabeth Lufkin
Chester Supervisors of the Checklist Chair Dianna Charron
Chester Board of Selectmen
Chester Town Moderator Michael Scott

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

October 10, 2023

Adrian Champagne

Plymouth, NH 03264

Re: **CEASE AND DESIST ORDER**
Adrian Champagne, Alleged Wrongful Voting
AMOUNT SUSPENDED FOR TWO YEARS: \$1,000.00

Mr. Champagne:

On November 8, 2022, this Office received a complaint alleging that you attempted to unlawfully vote in the Town of Plymouth. Following an investigation, we conclude that you: (1) unlawfully registered to vote in the September 2022 Primary Election; (2) unlawfully cast a vote in the September 2022 Primary Election; and (3) unlawfully attempted to register to vote in the November 2022 General Election. However, you do not appear to have attempted to deceive election officials regarding your citizenship when completing your voter registration form. The officials who reviewed your registration should have determined that you are not a United States citizen and should not have let you register to vote. Nevertheless, this Office orders you to refrain from attempting to register or vote in the State of New Hampshire for as long as you are not a United States citizen. This Office is also imposing a civil penalty of \$1,000 that shall be suspended for a period of two (2) years.

I. Background

You are a lawful permanent resident ("green card" holder) and are not a United States citizen. You initially registered to vote in Plymouth in the September 13, 2022, primary election. At that time, you registered using your green card. In response to question 5.a. on the voter registration form "Are you a citizen of the United States? Yes ___ No ___," you marked "No." However, in response to question 5.b. "If naturalized citizen, give name of court where naturalized (Town/City and State)," you stated "Buffalo NY¹." An election official accepted your voter registration form, and you subsequently cast a ballot in that election. However, that

¹ The United States Department of Homeland Security confirmed that you were issued your visa on December 13, 1986, the same date that you indicated you had been "naturalized." While you became a lawful permanent resident in the United States while you lived in Buffalo, you were not naturalized.

Adrian Champagne, Alleged Wrongful Voting
Page 2 of 3

election official had been assigned to the registration table by mistake and had not been properly trained in that role.

When you went to vote again in November, election officials noticed that your name was misspelled on the checklist and asked you to fill out a second voter registration form. You again marked “No” in response to the question asking if you were a citizen of the United States, and you again stated that you became a naturalized citizen in Buffalo, NY.

You were given a ballot but the official who registered you in November noticed that there might be a problem with your citizenship. The volunteer who re-registered you in November accepted your registration, but questioned your eligibility and brought her concerns about your citizenship to the moderator’s attention. The moderator confirmed that you were not a United States citizen and took your ballot back before you could cast it.

II. APPLICABLE LAW & ANALYSIS

A person must be a United States citizen to vote in New Hampshire elections. See RSA 654:1, I; see also RSA 659:34, I(e); II (setting forth civil and criminal penalties for registering to vote and voting when not qualified to do so). Notably, a permanent resident is a non-citizen who is lawfully authorized to permanently live in the United States. Because you are not a citizen of the United States, you violated RSA 659:34 when you registered to vote and voted in September 2022, and when you attempted to register to vote in November 2022.

However, one of the duties of election officials is to verify that an individual is a citizen of the United States before allowing that individual to register to vote. See RSA 654:12. Town election officials clearly should not have accepted your registration to vote. On your registration, you marked “No” in response to the question asking if you were a United States citizen. The election official reviewing your registration should have recognized that you were not a United States citizen.

Although it is clear that you registered to vote and voted in violation of state law, it does not appear that you attempted to deceive election officials regarding your status as a permanent resident and not as a citizen. Therefore, election officials should have refused to accept your registration and should have explained to you that permanent residents are not eligible to vote. Because you were forthright with election officials that you were a green card holder, and because of the errors on the part of election officials, this Office is exercising its discretion not to pursue further investigation and potential criminal charges.

You are ordered to cease and desist from registering to vote or voting unless and until you obtain United States citizenship. We have also notified Plymouth that you are not a United States citizen and advised election officials that you should be removed from the voter checklist unless and until you obtain citizenship.

Adrian Champagne, Alleged Wrongful Voting
Page 3 of 3

III. CONCLUSION

We conclude that you violated RSA 659:34 by registering to vote and voting in Plymouth. You are hereby ordered to **Cease and Desist from voting in New Hampshire unless and until you establish United States citizenship in addition to satisfying all other qualifications to vote in this State.** This Office is also imposing a civil penalty of \$1,000 that shall be suspended for two (2) years on the condition that you not violate any election laws in this State.

This matter is closed.

Sincerely,



Matthew G. Conley
Assistant Attorney General
Civil Bureau
(603) 271-6765
matthew.g.conley@doj.nh.gov

MGC/mgc

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

New Hampshire Youth Movement

(b) County of Residence of First Listed Plaintiff Strafford
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attached sheet.

DEFENDANTS

David M. Scanlan, in his official capacity as New
Hampshire Secretary of StateCounty of Residence of First Listed Defendant Merrimack
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PRISONER PETITIONS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability LABOR ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☒ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:

Challenge to law placing undue burden on right to vote in violation of First and Fourteenth Amendments to U.S. Constitution.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/17/2024

/s/ Steven J. Dutton

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Attorneys

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tbishop@elias.law

UNITED STATES DISTRICT COURT

for the
District of New HampshireNew Hampshire Youth Movement*Plaintiff*

v.

David M. Scanlan, in his official capacity*Defendant*

Civil Action No.

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: David M. Scanlan, in his official capacity as New Hampshire Secretary of State*(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)***Why are you getting this?**

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 09/17/2024/s/ Steven Dutton*Signature of the attorney or unrepresented party*Steven Dutton*Printed name*900 Elm Street,
Manchester, N.H. 03101*Address*steven.dutton@mclane.com*E-mail address*(603) 628-1377*Telephone number*

UNITED STATES DISTRICT COURT

for the

District of New Hampshire

New Hampshire Youth Movement*Plaintiff*

v.

David M. Scanlan, in his official capacity*Defendant*

)))))

Civil Action No.

WAIVER OF THE SERVICE OF SUMMONS

To: _____
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

*Signature of the attorney or unrepresented party*_____
*Printed name of party waiving service of summons*_____
*Printed name*_____
*Address*_____
*E-mail address*_____
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.