

LDF Voting Spotlight

New Hampshire is proud of its civic traditions and the openness of its democratic process. Some political campaigns and unscrupulous voters have exploited that openness, however, leading to accusations of widespread voter fraud in New Hampshire that disenfranchises honest New Hampshire citizens. Leaders in New Hampshire are seeking to reform New Hampshire's law to protect the integrity of the vote while also maintaining respect for New Hampshire's traditions and political community.

Importance of Individual Votes in New Hampshire

Individual votes in New Hampshire hold special importance, both symbolically and in reality. New Hampshire is fairly evenly divided between Republicans and Democrats, with candidates of both parties receiving a close percentage of the vote in most races. Local campaign strategists know that “even a half a percentage point can turn an election.”¹

New Hampshire's first-in-the-nation primary often determines which candidates drop out of and remain in the presidential race, setting the tone for and affecting the outcome of the election for the entire nation. As of the 2010 census, the population of New Hampshire was 1,316,470, and its voting age population was 1,051,859.² Due to its small size, a relatively small number of voters can influence the outcome of statewide races like the presidential primary or Senate elections.

For state legislative offices, the effect of a handful of voters is even more pronounced. The New Hampshire House of Representatives has 400 members, representing 204 legislative districts (some districts have multiple representatives).³ On average, a house member represents 3,291 residents, of which approximately 2,630 are voting age. The New Hampshire Senate has 24 members, and on average each Senator represents 54,853 residents, of which approximately 43,827 are voting age. While the state senate districts are much larger than the state house districts, they are still smaller than those of the upper house of the legislature in most states.

As might be expected, close state house races are often decided by a very small margin, and some races result in ties. In the 2014 general election, three state house races were ties, two were decided by fewer than four votes, and four were decided by fewer than 20 votes. After recounts in the tied races, one remained a tie and was decided by drawing lots.⁴ In the 2010 general election, there were recounts in 21 state house races and one state senate race. In 13 house districts, the margin of victory was 20 votes or fewer.

The number of voters who register at the polls in each New Hampshire election is substantial, so the same-day registrant voters have the ability to have a significant impact on the outcome of the election. The chart below compares the total number of votes cast in recent elections and the number of same-day registrants who voted.⁵ In 2014 and 2012, the number of

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same-day registrants was larger than the margin of victory in the races for governor, U.S. Senate, and U.S. President.

Election	Total Votes Cast	Same-Day Registrants	Percentage of Votes Cast by Same-Day Registrants	Margin of Victory (between winner and second finisher)
2014 General	495,565	33,479	6.7%	Governor 24,056 U.S. Senate 15,837
2012 General	718,700	99,299	13.8%	Governor 83,908 U.S. President 39,643
2010 General	461,423	23,512	5%	
2008 General	719,403	76,755	10.6%	

Voter Eligibility Law

An inhabitant of New Hampshire has the right to vote in the place where the voter is domiciled, which is where a person has established a physical presence with the intent to maintain that presence.

Domicile

The New Hampshire Constitution and statutes provide the test for voter eligibility:

All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile.⁶

Every inhabitant of the state, having a single established domicile for voting purposes . . . shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled.⁷

New Hampshire statutes further define domicile as “that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.”⁸ A person’s “mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.”⁹ The law specifically allows college students to claim domicile and vote in the location of their college, provided that they meet all the other requirements for claiming domicile in that location.¹⁰

Domicile includes the intention to “remain . . . permanently, or for some indefinite time, which is essential to make the place of actual residence the home of the party.”¹¹ Domicile cannot, however, disqualify a citizen from voting if the citizen has a firm intention of leaving at a fixed time in the future. In *Newburger v. Peterson*, the court invalidated, under the equal protection clause of the 14th Amendment, a requirement that a person intend to remain in a locale indefinitely before the person was able to vote. It recognized that the state had interests in preserving a political community, but also stated that there were less restrictive means to do so.¹²

In this day of widespread planning for change of scene and occupation we cannot see that a requirement of permanent or indefinite intention to stay in one place is relevant to responsible citizenship. Or, to state it legally, the state has not shown that the indefinite intention requirement is necessary to serve a compelling interest.¹³

The New Hampshire Secretary of State provides the following guidance to New Hampshire citizens on determining where they are domiciled:

Your domicile is that place, more than any other, where you sleep most nights of the year, or to which you intend to return after a temporary absence. Examples of temporary absence include:

- Military and overseas voters;
- Residents of nursing, convalescent, hospital, long term care facilities;
- Teachers or students;
- Voters without a permanent home;
- Persons incarcerated;
- Persons with no new domicile;
- Persons navigating waters; and
- Persons who have not gained another domicile anywhere else in the United States.¹⁴

New Hampshire accepts the following as proof of domicile:

- New Hampshire driver’s license;
- New Hampshire vehicle registration;
- Military identification, or other identification issued by the U.S. government; and
- Any other proof deemed reasonable by the election supervisors.¹⁵

Residence

New Hampshire voter eligibility law does not rely on residence, as does the law of many other states, and New Hampshire courts have specifically rejected any conflation of the two concepts in the voting context. Residence is “a person’s place of abode or domicile,” which is defined as “that [place] designated by a person as his principal place of physical presence for the indefinite future to the exclusion of all others.”¹⁶ A resident is:

a person who is domiciled or has a place of abode or both in this state . . . , and who has, through all of his actions, demonstrated a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others.”¹⁷

Upon becoming a resident of New Hampshire, a person has 60 days in which to register his or her vehicle and obtain a New Hampshire driver’s license.¹⁸

A person can be domiciled in New Hampshire but not be a resident. The basic difference between a “resident” and a person who merely has a New Hampshire “domicile,” is that a “resident” has manifested an intent to remain in New Hampshire for the indefinite future, while a person who merely has a New Hampshire “domicile” has not manifested that same intent.¹⁹

Guare v. New Hampshire

In 2015, the New Hampshire Supreme Court upheld a trial court’s grant of summary judgment that struck down language regarding residency on the state’s voter registration form because it violated Part I, Article II of the New Hampshire Constitution. The challenged language stated: “In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire[] driver’s license within 60 days of becoming a resident.” The court held that this language was confusing to potential new voters and was an inaccurate representation of New Hampshire law.²⁰

Because of this, the burden the language placed upon the fundamental right to vote was unreasonable. In support of the law, the state only argued one state interest, complying with the requirements of the federal Help America Vote Act (“HAVA”). The court held that this interest was invalid because it was invented for the litigation and was not the underlying rationale at the time the language was added to the registration form and because the language was not in fact required to comply with HAVA. Applying a balancing test of intermediate scrutiny, the court found that the burden on voters far outweighed the state interest.²¹

Election-Day Registration Law

New Hampshire allows voters to register on the day of the election, at the polls. A person registering at the polls is required to present proof of identity, domicile, citizenship, and age. A voter who does not present the required documents can sign an affidavit attesting to the voter’s identity and domicile.²²

Voter ID Law

While New Hampshire requires a voter to present proof of identity prior to voting, it allows voters who do not have identification or refuse to provide it to sign an affidavit attesting to the voter's identity.

After stating his or her name or address at the polling station, a voter "shall then be asked to present proof of his or her identity meeting the requirements" of the law.²³ Valid forms of identification include the voter's name and photograph and include:

- A driver's license;
- A nondriver's identification card issued by a government agency;
- A military identification card;
- A U.S. passport or passcard;
- A valid student identification card;
- A challenged voter affidavit;
- Any photo identification determined to be legitimate election officials; and
- Verification of identity by an election official based on personal knowledge.²⁴

If the voter fails to produce proof of identity when asked, the voter may execute a challenged voter affidavit, testifying to the voter's identity, to which the election officials will attach a photograph of the voter taken at the polls. If the voter objects to the photograph based on religious beliefs, he or she may execute an affidavit of religious exemption.²⁵

Affidavit Procedure

If any voter executes an affidavit to allow the voter to register or cast a ballot, New Hampshire law requires that the state verify the voter's identity after the election. The Secretary of State sends a verification letter by January 10, or within 90 days of the election, requesting that the voter respond via a provided postcard within 30 days. If the voter does not respond within 90 days or the letter is returned as undeliverable, the Attorney General investigates to determine whether voter fraud has occurred.²⁶

Problems with Existing Law

New Hampshire election experts debate whether New Hampshire has a significant problem with voter fraud.²⁷ Given the small number of votes that can decide many races, however, only a small amount of fraud would be necessary to have a significant impact on elections in New Hampshire. Further, the perception that voter fraud *could* be easily accomplished with little risk of prosecution in New Hampshire, even if, as opponents of reform argue, it does not actually occur, undermines public confidence in the electoral process and may discourage honest citizens from voting.²⁸

The law of domicile in New Hampshire is somewhat unclear, and ultimately it is up to the individual voter to determine in what location the voter is domiciled. According to Deputy Secretary of State Dave Scanlan, under the current law, a voter could move to NH the day before an election, establish domicile, vote, and leave the next day.²⁹ Because domicile is based on a voter's subjective intent on Election Day, it is nearly impossible to prosecute voters for claiming domicile in the wrong location. A prosecution would need prove or disprove a voter's intent regarding maintaining their physical presence on Election Day, and subjective intent is extremely difficult to prove in litigation.³⁰ Ultimately, under the current system, it is up to the honesty of each voter to maintain the integrity of the election.³¹

Certain campaigns actively encourage college students to vote in New Hampshire elections. The 2012 Obama-Biden presidential campaign encouraged out-of-state New Hampshire college student to register at the polls, telling them that their votes would "count more" in a swing state such as New Hampshire. College communities typically have high numbers of Election-Day voter registrations.³² The potential problem with college student voters, assuming that they have properly established domicile in New Hampshire as specifically allowed by New Hampshire law, is that there is no mechanism or procedure to verify whether the student also voted in their out-of-state "home" district, where many students are likely also registered to vote.³³

Even though affidavit voters are verified through the Secretary of State's letters, any verification or discovery of fraud is completed long after the election is over, the votes have been counted, and the winning candidate has assumed office. In some instances, such as the review of the 2012 election discussed below, the investigation continues long past the next election. When that occurs, any fraudulent voter could vote not only in the election for which an affidavit was executed but also in the next election as a registered voter.

Many New Hampshire election experts claim that voter fraud does exist but that the New Hampshire Department of Justice does not or will not investigate or prosecute most instances of voter fraud. New Hampshire election law attorney Gordon MacDonald claims that even one or two cases of fraud prosecution could "send a very clear message that in New Hampshire, you ought to be domiciled here within the meaning and spirit of our law before you show up and vote."³⁴ Scores of campaign workers are in New Hampshire on Election Day, and many of them vote in the election with no intent to stay in New Hampshire. Increased enforcement would help prevent such instances of fraud.

Examples of Fraud

There are numerous reports of people voting who were in New Hampshire on Election Day but did not live in New Hampshire. Most are not investigated, let alone prosecuted.

- In 2008, Democrat Secretary of State Bill Gardner witnessed AmeriCorps volunteers who planned to leave on December 1 register at the polls and vote.³⁵
- In 2012, Alana Biden, Joe Biden's niece, signed an affidavit to vote, claiming the address of Democratic State Senator Martha Fuller Clark as her home. Several other Obama-Biden

campaign workers did the same, despite only being in New Hampshire to work for the election.³⁶

- In 2008 and 2012, Lorin C. Schneider, Jr., of Carver, Massachusetts, voted in Manchester's Ward 9 despite being a long-time resident of Massachusetts. The New Hampshire Attorney General charged Schneider and he pled guilty to wrongful voting.³⁷

In addition to the examples above of transient occupants or non-inhabitants of New Hampshire voting, other types of fraud or mistakes occur or are suspected, many of which are enabled by the affidavit system and lack of enforcement.

- Caitlin Legacki, Senator Jeanne Shaheen's former spokesperson, was in NH for the 2008 election and voted. In 2012, Legacki was in Missouri on Election Day, but a vote under her name was recorded in Manchester in 2012.³⁸
- Janine Kumpu and Adam Kumpu of Milford were fined \$1,250 for wrongful voting in the 2012 election. Janine requested an absentee ballot for Adam, who was attending college in Keene. Adam voted using the absentee ballot in Milford and also voted in person in Keene.³⁹
- In 2014, Derek T. Castonguay of Manchester registered at the polls in Salem, giving a Salem address, while he was domiciled in Manchester. He also voted in Windham using an old driver's license with a Windham address.⁴⁰
- In 2008, Christopher Fithian of Jackson voted twice in the presidential election, applying for a ballot after he had already voted.⁴¹
- Timothy Barnes of Dover was convicted of providing a false address when registering to vote in 2004.⁴²
- 17-year-old Mark Lacasse used a false name to vote in the presidential primary in 2004 in Londonderry, a case which was prosecuted by the local police instead of the New Hampshire attorney general.⁴³
- After the 2012 election, 1,777 of the voter verification letters mailed to those to completed affidavits to cast a ballot were returned as undeliverable as addressed. As of June 2015, the investigation into these voters was ongoing, and fewer than one-third had been verified by May 2015.⁴⁴ In addition, 2,968 voters failed to return the verification postcard in response to the letter.⁴⁵

Reforming New Hampshire Election Procedures

New Hampshire tried unsuccessfully to reform its domicile law in 2015, and due to the support of the legislature, further efforts at reform in 2016 are likely. Any new provisions will likely be reviewed by New Hampshire courts under a balancing test of intermediate scrutiny, so it will be important for the legislature to establish the state interests advanced by any legislation in the legislative record prior to passage of the legislation.

Standard of Review in New Hampshire for Restrictions on the Right to Vote

Severe restrictions of the right to vote are reviewed under strict scrutiny, and laws that do not place severe restriction upon the right to vote may be reviewed under rational basis. After a lengthy discussion of the standard of the review in *Guare*, the court applied intermediate scrutiny, and it is likely that any future efforts at reform will be reviewed by New Hampshire courts under the balancing test of intermediate scrutiny outlined in *Guare*.

In *Guare*, the New Hampshire Supreme Court applied intermediate scrutiny to the language regarding residence requirements on the voter registration form.⁴⁶ Intermediate scrutiny in New Hampshire requires that a “challenged law be substantially related to an important governmental objective,” and the state bears the burden of proof.⁴⁷ The court cited *Ohio State Conference of N.A.A.C.P. v. Husted*, 768 F.3d 524 (6th Cir. 2014), noting that it held that “the State had the burden of demonstrating that ‘eliminating [a late registration period] serves to prevent a “precise” problem of voter fraud in a way that is “necessary” to burden . . . voters, . . . as opposed to a measure that might more directly target the asserted problem without burdening voters.’”⁴⁸

Specifically in the voting context, for a restriction to survive a challenge under intermediate scrutiny, the state must:

- Advance specific, rather than abstract, state interests;
- Explain why the restriction is actually necessary, meaning it actually addresses the interests advanced;
- Do more than assert that its regulatory interests are important;
- Not rely on hypothetical or post-hoc rationales to justify a law;
- Only advance rationales upon which the legislature actually relied at the time of enactment to justify the state interests advanced by the challenged law; and
- Not rely on overbroad generalizations.⁴⁹

2015 Legislative Reform Effort – SB 179

In 2015, the New Hampshire legislature passed SB 179, a bill to reform the domicile law to require a person to have established domicile in a location for 30 days prior to voting in an election there. SB 179 also outlined factors to consider when determining where a voter is domiciled. Governor Maggie Hassan vetoed the bill, and the legislature failed to overturn the veto.

SB 179 would have amended the statutory language in New Hampshire Revised Statutes Section 164:1 regarding voter eligibility to:

(a) Every inhabitant, having established domicile in this state for no less than 30 consecutive days before any election where the inhabitant offers to vote, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled.

(b)(1) An inhabitant's domicile for voting purposes shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his or her habitation is fixed and to which a person, whenever he or she is temporarily absent, has the intention of returning after a departure or absence therefrom, including when the person is absent because of military service or temporarily absent

(2) In determining what is a principal or primary place of abode of a person, without limitation the following factors or evidence relating to such person may be taken into account: civic and community participation, the place where a person spends most nights of the year, the location from which a person would apply for a passport or other federal identification, residence for income or other tax purposes, eligibility for a resident hunting and fishing license, and a New Hampshire driver's license.

(3) A qualified voter who has left his or her home and gone into another state or town of this state for a temporary purpose only shall not be considered to have lost his or her domicile

(4) A person shall not be considered to have gained a domicile in any town or ward of this state into which he or she comes for temporary purposes only, without the intention of making it his or her home but with the intention of leaving it when he or she has accomplished the purpose that brought him or her there. Evidence that a person who, prior to arriving in New Hampshire, was domiciled in another state and is temporarily present in New Hampshire for any purpose including, but not limited to vacation, short-term temporary work, volunteering for social or civic purposes, or volunteering or working on political campaigns is not sufficient evidence that the person has established a domicile in New Hampshire.

(5) If a qualified voter moves to another state, with the intention of making it his or her permanent home, he or she shall be considered to have lost his or her domicile in this state.

(c) A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.⁵⁰

SB 179 also placed language regarding the new 30-day domicile requirement on the voter registration form.

The New Hampshire Senate passed SB 179 by 13 to 10 on March 26, 2015, with all Republicans voting in favor of and all Democrats voting against the bill. The New Hampshire House passed an amended version by a 211 to 145 vote on June 3, 2015, with four Democrats voting to pass and five Republicans and one Independent voting against passage.⁵¹

Governor Maggie Hassan vetoed the bill on July 10, 2015, stating:

We must be vigilant in our efforts to prevent and aggressively prosecute voter fraud, but Senate Bill 179 does not do anything to accomplish those goals. Restricting the rights of those who are constitutionally eligible to vote with a durational requirement does nothing to prevent people from lying about where they live, it merely denies people who recently moved to New Hampshire and are lawful residents of our state their fundamental right to vote.⁵²

The Senate voted 13 to 11, again along party lines, to override the veto on September 16, 2015, falling short of the required two-thirds vote to override the veto.⁵³

Legislative Reform Strategy Going Forward

For starters, adding a 30-day requirement for establishing domicile in New Hampshire would protect New Hampshire from people who are in New Hampshire for a short period around the election with no intent to remain. It would add an objective criterion by which state officials could evaluate domicile when investigating and prosecuting drive-by voters, replacing the current, unprovable, entirely subjective definition. It would be one step towards reforming a system that risks diluting the votes of all actual New Hampshire citizens, especially in presidential election years when all eyes turn to New Hampshire.

¹ James A. Kimble, “N.H. considers limiting same-day voter registration,” *The Boston Globe*, May 15, 2015, <https://www.bostonglobe.com/metro/new-hampshire/2015/05/14/new-hampshire-lawmakers-consider-canning-same-day-voter-registration/iDczVMRKABTfPcY5akGNWJ/story.html> (quoting N.H. Republican political strategist Tom Rath).

² U.S. Census Bureau, “State & County QuickFacts: New Hampshire” (Dec. 1, 2015), <http://quickfacts.census.gov/qfd/states/33000.html>.

³ See N.H. House Roster, 164th General Court (2015-2016), <http://www.gencourt.state.nh.us/downloads/Members.xls>.

⁴ James Adams, “My Turn: Bill is an important step in protecting state’s elections,” *The Concord Monitor*, June 13, 2015, <https://politics.concordmonitor.com/2015/06/opinion/my-turn-bill-is-an-important-step-in-protecting-states-elections/>.

⁵ N.H. Secretary of State, “State Election Results,” <http://sos.nh.gov/ElectResults.aspx>.

⁶ N.H. Const., Part I, Article 11.

⁷ N.H. Rev. Stat. § 654:1(I).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* § 654:1(I-a).

¹¹ *State v. Daniels*, 44 N.H. 383, 386 (N.H. 1862).

¹² *Newburger v. Peterson*, 344 F. Supp. 559 (D. N.H. 1972).

¹³ *Id.* at 563.

¹⁴ N.H. Secretary of State, “Voter Registration: Frequently Asked Questions,” <http://sos.nh.gov/VoterRegFAQ.aspx>.

¹⁵ N.H. Rev. Stat. § 654:12(II).

¹⁶ *Id.* § 21:6-a.

¹⁷ *Id.* § 21:6.

¹⁸ See *id.* §§ 261:45, 263:35.

¹⁹ *Guare v. New Hampshire*, No. 2014-558, slip op. at 4 (N.H. May 15, 2015).

²⁰ *Id.* at 2, 10.

²¹ *Id.* at 9-10.

²² N.H. Rev. Stat. §§ 654:7-a, 654:12.

²³ *Id.* § 659:13.

²⁴ *Id.* § 659:13(II).

²⁵ *Id.* § 659:13(I)(c).

²⁶ *Id.* §§ 654:12, 659:13, IV; Secretary of State, “Explanatory Document” (Aug. 2014),

<http://sos.nh.gov/WorkArea/DownloadAsset.aspx?id=8589938426>.

²⁷ *Compare* “Concerns raised about voter eligibility: Critics say NH law open to abuse,” *WMUR*, July 23, 2013,

<http://www.wmur.com/politics/concerns-raised-about-voter-eligibility/21132378#ixzz2Zw4HW5Xy> (“[Election law attorney Gordon] MacDonald said he believes the system is open for manipulation and ripe for reform.”) *with* Kimble, *supra* note 1 (“Tom Rath, a longtime Republican political strategist, said he does not believe New Hampshire has significant voter fraud.”).

²⁸ House Record, First Year of the 164th General Court, House Journal 16:1909 (June 3, 2015) (“The perception of voter fraud is real in New Hampshire, and this diminishes the importance of voting to our citizens. Indeed, the election law committee heard stories of constituents who did not feel their vote counted for much in their own home towns, their vote being nullified by those they felt were not N. H. residents. We heard stories of campaign workers coming to our state for a few weeks, voting on election day, and leaving for their home states.”).

²⁹ Concerns, *supra* note 27.

³⁰ *Id.* (quoting Assistant Attorney General Steve Labonte: “The way the law is written, a person’s intent plays a big role in it, and as with any statute, proving a person’s intent can be very difficult.”).

³¹ *Id.* (quoting Deputy Secretary of State Dave Scanlan: “In large part, you have to rely on the trustworthiness of individuals to do the right thing when you’re voting. We know that doesn’t always happen.”).

³² “Nearly 14 percent of N.H. voters registered on Election Day,” *The Boston Globe*, Nov. 20, 2012,

<https://www.bostonglobe.com/metro/2012/11/20/more-than-same-day-voters-registered/q58ZdW222T4UairoExe8gL/story.html>.

³³ Kimble, *supra* note 1.

³⁴ Concerns, *supra* note 1.

³⁵ Andrew Cline, “Bill Gardner knows that voter fraud happens in New Hampshire,” *New Hampshire Union Leader*, Sept. 24, 2014, <http://www.unionleader.com/apps/pbcs.dll/article?AID=/20140925/LOCALVOICES03/140929402/0/78>.

³⁶ Concerns, *supra* note 27.

³⁷ Press Release, Lorin C. Schneider Pleads Guilty to Wrongful Voting Charges (June 9, 2014), <http://doj.nh.gov/media-center/press-releases/2014/20140609-schneider-wrongful-voting.htm>; James Pindell, “NH attorney general charges Mass. resident with voter fraud,” *WMUR* (Nov. 22, 2013), <http://www.wmur.com/political-scoop/nh-attorney-general-charges-mass-resident-with-voter-fraud/23112450>.

³⁸ Editorial, “Vote fraud: It, and mistakes, happen,” *New Hampshire Union Leader*, Jan. 27, 2014,

<http://www.unionleader.com/apps/pbcs.dll/article?AID=/20140128/OPINION01/140129331/o/sports>.

³⁹ Press Release, Janine and Adam Kumpu to Pay a Total of \$1,250 Under Consent Agreement For Wrongful Voting Violations (Jan. 14, 2014), <http://doj.nh.gov/media-center/press-releases/2014/20140114-kumputu-wrongful-voting.htm>.

⁴⁰ Press Release, Derek T. Castonguay Arrested for Wrongful Voting (Nov. 6, 2015), <http://doj.nh.gov/media-center/press-releases/2015/20151106-castonguay-arrest.htm>.

⁴¹ Letter from Matthew G. Mavrogeorge, Assistant Attorney General, Civil Bureau, New Hampshire Department of Justice, to Andrea Rumbaugh, News21 (June 13, 2012), *available at* <http://www.documentcloud.org/documents/370360-new-hampshire-fraud.html>.

⁴² *Id.*

⁴³ *Id.*; Londonderry Police Department, Call Number 04-5153, Arrest of Lacasse, Mark Daniel (Mar. 30, 2004), *available at* <http://www.documentcloud.org/documents/402695-new-hampshire-londonderry-with-lacasse-case.html>.

⁴⁴ Josh McElveen, “Bill would set new residency requirements for NH voters,” *WMUR*, May 11, 2015,

<http://www.wmur.com/politics/bill-would-set-new-residency-requirements-for-nh-voters/32948212>; Shawne K.

Wickham, “Checking voter residence affidavits a slog for New Hampshire investigators,” *Union Leader*, Oct. 25, 2014,

<http://www.unionleader.com/article/20141026/NEWS06/141029247/o/SEARCH>.

⁴⁵ ACLU of New Hampshire, Documents From Secretary of State’s Office Show No Evidence of Out-of-State “Drive-By” Voter Fraud (June 11, 2015), <http://aclu-nh.org/aclu-report-documents-from-secretary-of-states-office-show-no-evidence-of-out-of-state-drive-by-voter-fraud/>.

⁴⁶ *Guare*, No. 2014-558, slip op. at 9.

⁴⁷ *Id.* at 7.

⁴⁸ *Id.* at 8 (quoting *Ohio State Conf. of N.A.A.C.P. v. Husted*, 768 F.3d 524, 547 (6th Cir. 2014)).

⁴⁹ *Id.* at 7, 9-10.

⁵⁰ S.B. 179, 164th General Court (N.H. 2015).

⁵¹ N.H. General Court - Bill Status System, “SB179” (2015) http://gencourt.state.nh.us/bill_status/bill_status.aspx?lstr=907&sy=2015&sortoption=&txtsessionyear=2015&q=1.

⁵² Press Release, Governor Hassan’s Veto Message Regarding SB 179 (July 10, 2015), <http://governor.nh.gov/media/news/2015/pr-2015-07-10-sb179.htm>.

⁵³ N.H. General Court - Bill Status System, *supra* note 51.