

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

NEW HAMPSHIRE YOUTH MOVEMENT,

Plaintiff,

v.

DAVID M. SCANLAN, in his official capacity
as New Hampshire Secretary of State,

Defendant.

Consolidated Cases
Case No. 1:24-cv-00291-SE-TSM

COALITION FOR OPEN DEMOCRACY,
LEAGUE OF WOMEN VOTERS OF NEW
HAMPSHIRE, THE FORWARD
FOUNDATION, McKENZIE NYKAMP
TAYLOR, DECEMBER RUST, MILES
BORNE, A.M., by his next friend Russell
Muirhead, and L.M., by her next friend Russell
Muirhead,

Plaintiffs,

v.

DAVID M. SCANLAN, in his official capacity
as New Hampshire Secretary of State, and
JOHN M. FORMELLA, in his official capacity
as New Hampshire Attorney General,

Defendants.

DEFENDANTS' REQUEST FOR FINDINGS OF FACT

NOW COME Defendants New Hampshire Secretary of State David M. Scanlan and New Hampshire Attorney General John M. Formella, each in their official capacities (collectively, the “Defendants”), by and through counsel, the Office of the Attorney General, and respectfully request that the Court make the following Rule 52(a) findings of fact which reflect the trial testimony, evidence admitted at trial, and evidence admitted by stipulation (ECF Nos. 132, 133, 134, and 136).

I. Facts Concerning the Structure of New Hampshire Elections Administration

Defendants request the following findings regarding New Hampshire election administration, including the responsibilities of the Secretary of State, the Attorney General, local election officials, and New Hampshire demographics and election participation.

A. New Hampshire Department of State, the Secretary of State's Office

1. The Secretary of State is a constitutional officer and New Hampshire's chief election official. Joint Stip. of Certain Facts, ECF No. 132, ¶ 48.
2. It is a constitutional office with both executive and legislative branch duties. Tr. Day 8 a.m., 107:11-17.
3. The Secretary heads the Department of State, and the Secretary's office is primarily responsible for election administration. Tr. Day 8 p.m., 108:4-9; Day 6 a.m., 12:15-18.
4. Among other things, the office organizes and prints ballots, ensures posting of all required signage at polling locations, recruits poll workers, trains election officials, and collects and reports election results. Tr. Day 6 a.m., 12:15-20, Day 9, 13:6-13, 14:5-12; Day 8 p.m., 109:15-110:25, 122:7-123:18.
5. The Secretary seeks to ensure that elections run efficiently and that votes are counted accurately to instill confidence in voters that election results reflect the actual outcome of the election. Tr. Day 8 p.m., 128:17-24.
6. The Secretary seeks to ensure that elections are conducted in a way that is transparent so citizens can have faith in the results of the election. Tr. Day 8 p.m., 128:24-129:1.
7. It is important to the Secretary of State's office to ensure that voters who are qualified to vote have an easy opportunity to exercise that right and that voters that are participating in the election process know and have confidence that the people that are participating are qualified to participate. Tr. Day 8 p.m., 129:7-11.

8. An important part of the Secretary of State's effort to promote voter turnout is voter outreach and civics education. Tr. Day 8 p.m., 113:22-119:2.
9. One example of public dialogue and education by the Secretary of State is the 2022 Special Committee on Voter Confidence, which the Secretary formed to address a decline in voter confidence. Tr. Day 9, 5:18-7:4.
10. The Department's Help America Vote Act ("HAVA") office, Elections Help Desk, and Statewide Voter Registration System ("SVRS") enable the Secretary to provide constant, up-to-date information to the public and local election officials. Tr. Day 8 p.m., 113:13-21, 123:4-8.
11. Additionally, the Secretary's office publishes guidance to local election officials in the form of memoranda regarding upcoming election law changes, pre-election memoranda, and the Election Procedure Manual ("EPM"). Tr. Day 6 a.m., 16:4-8.
12. These are typically produced with the advice and counsel of the Attorney General's office. Tr. Day 6 a.m., 16:4-8, 17:5-12.

B. New Hampshire Department of Justice, the Attorney General's Office, Election Law Unit

13. The Attorney General is New Hampshire's chief legal officer and heads the Department of Justice. Joint Stip. of Certain Facts, ECF No. 132, ¶ 49.
14. Among other things, the Justice Department is responsible for enforcing New Hampshire's election laws and providing legal counsel to the Secretary of State. Tr. Day 6 a.m., 12:21-24, 13:9-11.
15. Former Attorney General MacDonald formed the Election Law Unit ("ELU") within the Justice Department in 2017 to coordinate the Department's civil and criminal enforcement of state election laws. Tr. Day 6 a.m., 15:15-23.

16. The ELU investigates and enforces laws related to campaign finance, political advertising, election procedures (before, during, and after elections), lobbying requirements, notary and justice of the peace procedures, election interference, and wrongful voting. Tr. Day 6 a.m., 12:25-13:11, 35:20-36:6.
17. Credible information from federal agencies, election officials, or the public that raises a reasonable suspicion that someone may have wrongfully voted triggers an ELU investigation. Tr. Day 6 a.m., 94:21-95:13, 116:13-20.
18. The ELU takes enforcement actions to the degree warranted under the circumstances of the wrongdoing. Tr. Day 6 a.m., 18:9-19:13, 12:22-24. Through its ELU, the Attorney General's office also provides legal advice and support to the Secretary of State's office. Tr. Day 6 a.m., 13:7-11.
19. The Attorney General conducts poll inspections during statewide elections and occasionally for lower-turnout elections. Tr. Day 7 a.m., 72:14-73:18; Tr. Day 7 p.m., 5:23-6:4.
20. Attorneys, investigators, and highly qualified paralegals use a poll inspector checklist to ensure polling location compliance with state election laws during general and primary elections. Tr. Day 6 a.m., 18:18-19:13.
21. Poll inspectors are trained to use checklists to note traffic, parking, electioneering, posted mandatory signs and notices, wait times, accessibility, absentee counting compliance, ballot handling, guardrails and observers, turn-aways, and other polling place concerns. Tr. Day 7 a.m., 73:6-18, 78:7-80:25.
22. The ELU operates a year-round Election Hotline available to election officials, poll inspectors, and voters. Tr. Day 6 a.m., 19:6-13, 36:22-37:1; Day 7, 72:6-11.

23. The Hotline's telephone number and e-mail address appear on the back cover of the EPM, in training materials, and on the Attorney General's website. Tr. Day 6 a.m., 25:4-12.
24. Election officials and voters are encouraged to contact the Hotline to obtain real-time guidance to address voter concerns and to clarify election procedure. Day 7 a.m., 115:22-116:3; Day 6 p.m., 10:2-11 ("If [Mr. Rinker] had still been at the polls when he called us, we could have worked that out ... [and] confirmed this person was previously registered."); *see also* 28:2:-5 (ACLU Attorney Kim's Election Law Hotline contact).
25. The ELU staff attend election officials' training sessions and provide legal advice and joint memoranda regarding election law interpretation. Tr. Day 6 a.m., 16:2-12.
26. The ELU verifies affidavits and voter eligibility that the Secretary refers to the Attorney General. Tr. Day 7 p.m., 49:15-21.

C. New Hampshire's Decentralized Election System

27. New Hampshire's decentralized election system assigns significant responsibilities to local election officials from each of the 234 cities and towns and 26 unincorporated places in New Hampshire. Tr. Day 8 a.m. 12:25-13:3.
28. There are more than 300 polling locations during statewide elections, with at least one polling location in each town or city. Tr. Day 8 a.m., 11:2-12:14, 13:22-14:2; Day 8 p.m., 109:17-18; Tr. Day 7 a.m., 72:24.
29. Local election officials include moderators, clerks, supervisors of the checklist, selectmen, and ballot clerks. Tr. Day 8 a.m., 10:23-24.
30. Moderators are the chief election official on election day. Tr. Day 8 a.m., 13:6-7.

31. They are responsible for opening and closing the polling location, train other election officials on election-day procedures, handle electioneering issues, and work to solve any ballot device issues that may arise. Tr. Day 8 a.m., 13:7-16.
32. Moderators also oversee any challenges that occur on election day. Tr. Day 8 a.m., 13:17-18.
33. Moderators are responsible for ensuring the poll location complies with the Attorney General's checklist. Tr. Day 8 a.m., 13:19-21.
34. With respect to administering elections, city and town clerks are responsible for maintaining voter information in the SVRS, sending out and processing absentee ballots, preparing and setting up polling locations, preparing the final vote tally after the election (i.e. the return of votes), and maintaining the voter checklist. Tr. Day 8 a.m., 11:2-12:14.
35. The voter checklist is the official checklist that contains a list of all of the registered voters that are eligible to vote in that city or town. Tr. Day 8 a.m., 12:17-19.
36. Town Clerks also accept registrations at town halls during normal business hours and send them to the supervisors of the checklist who meet before election day to add new voters to the checklist or to change existing voter information. Tr. Day 8 a.m., 14:7-11; Tr. Day 1 p.m., 101:14-103:18.
37. The supervisors of the checklist are responsible for approving and removing voters from the checklist. Tr. Day 8 a.m., 14:5-11.
38. They are responsible for maintaining the checklist, including removing deceased voters. Tr. Day 8 a.m., 14:12-17.
39. Supervisors are responsible for printing the checklist and bring it to the poll location on election day. Tr. Day 8 a.m., 14:18-20.

40. Periodically they are required to meet and hold sessions before and after elections to approve or remove voters and to record voters who have voted in each election Tr. Day 8 a.m.,14-15.
41. Supervisors can add a voter to the checklist by holding a registration session, such as a registration drive at an event or school, they can receive and approved voter registration forms from the town clerk’s office. Tr. Day 8 a.m., 15:8-22.
42. Supervisors of the checklist are elected by law in every town. Tr. Day 8 a.m., 16:8-9.
43. Cities have ward supervisors. Tr. Day 8 a.m., 16:10-22.
44. The city clerk for each city oversees its election officials. Tr. Day 8 p.m., 78:9-11.
45. It is up to each city to designate which supervisors have access to the SVRS. Tr. Day 8 p.m., 78:12-15.
46. The City of Concord, for example, delegates its supervisor duties to the city clerk. Tr. Day 8 p.m., 78:18-24; 79:24-80:9.
47. Ballot clerks are election-day officials who check in registered voters. Tr. Day 8 a.m., 16:25-17:3.

II. Facts Concerning House Bill 1569, as Amended by House Bill 464

Defendants request the following findings regarding the current state of New Hampshire election law as amended by House Bill 1569 (2024) (“HB 1569”) and House Bill 464 (2025) (“HB 464”).

48. House Bill 1569 amended 11 sections of New Hampshire election law: Ch. 378:1 (RSA 654:12 repealed and reenacted); Ch. 378:2 (RSA 654:7 repealed and reenacted); Ch. 378:3 (RSA 654:7-a (repealed and reenacted); Ch. 378:4 (RSA 659:27 repealed and reenacted); Ch. 378:5 (RSA 659:27-a repealed and reenacted); Ch. 378:6 (RSA 659:13, I(c) repealed and reenacted); Ch. 378:7 (RSA 659:13, II(b)–(e) amended); Ch. 378:8

(RSA 659:32 repealed and reenacted); Ch. 378:9 (RSA 5:6-d, III (deleted reference to repealed RSA 659:13, V); and Ch. 378:10 (repealed RSA 659:30; 659:31; 660:17-a; 659:23-a; 659:13, II(a)(6)–(7); 659:13, III, IV & V). Ex. 1.

49. The final enrolled version of 2024 Laws Ch. 378, HB 1569-FN has been admitted into evidence as Exhibit 1. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 1.
50. The redline of 2024 election law changes prepared by the Secretary of State’s office, including the changes from HB 1569, is admitted as Ex. AAA1.
51. House Bill 464 amended three sections of New Hampshire election law previously amended or enacted by HB 1569: Ch. 277:3 (amending RSA 654:12, I(a)); Ch. 277:4 (amended RSA 654:12, III); and Ch. 277:5 (amended RSA 654:12, VI). Ex. 3.
52. The final enrolled version of 2025 Laws Ch. 277, HB 464 has been admitted into evidence as Exhibit 3. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 1.
53. The redline of 2024 election law changes prepared by the Secretary of State’s office, including the changes from HB 464, is admitted as Ex. AAA2.

III. Facts Concerning New Hampshire Voter Registration Process & Requirements

Defendants request the following findings regarding New Hampshire voter registration, including the qualifications to register, available registration opportunities, proof of eligibility requirements, and the voter registration form.

A. Voter Qualifications and Registration Process

54. Qualified voters are New Hampshire residents who are United States citizens, 18 years or older on the date of the election, and domiciled in the jurisdiction in which they intend to cast a ballot. Tr. Day 6 a.m., 93:24-94:1. HB 1569 did not change these qualifications. Tr. Day 6 p.m., 5:10-12.

55. Supervisors of the checklist are required to meet every 90 days, and once on a Saturday between six to thirteen days prior to any election to approve new voter registrations. Tr. Day 8, 15:24-16:5; Tr. Day 4 p.m., 48:19-21.
56. A person can also register to vote at meetings of the supervisors of the checklist. Tr. Day 6 p.m., 8:16-22.
57. A person can also register at his or her polling location on election day. Tr. Day 6 p.m., 8:16-22.
58. In limited circumstances, a person can register absentee. Tr. Day 6 p.m., 8:16-22.
59. HB 1569 did not change any of these registration options. Tr. Day 6 p.m., 8:23-24.

B. Proof of Voter Eligibility to Register

60. New Hampshire law requires registrants to prove their citizenship by presenting a birth certificate, passport, naturalization papers, proof of prior New Hampshire voter registration, or any other reasonable documentation indicating that the registrant is a United States citizen. Tr. Day 6 p.m., 92:14-17, 10:2-11.
61. Prior to HB 1569, a registrant could choose either to produce one of the foregoing documents or execute a Qualified Voter Affidavit (“QVA”).
62. HB 1569 changes how a registrant may prove his or her qualifications by repealing the QVA’s self-certification of voter qualifications. Tr. Day 6 p.m., 5:10-11; Day 6 a.m., 121:19-122:5; Day 8, p.m., 128:9-13.
63. The QVA form has been entered into evidence as Exhibit SS at page 315. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.

C. Voter Registration Form & Registration Affidavit

64. Each registrant must complete a voter registration form. Tr. Day 6 a.m., 91:10-13.

65. The voter registration form has been admitted as Exhibit SS at 337. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
66. The registration form requires an applicant to state his or her name, address, place of birth, and either a driver's license or social security number. Tr. Day 6 a.m., 92:3-5; Ex. SS at 337.
67. It also asks whether the applicant is a citizen or naturalized (and details of naturalization, if applicable), and the last place the applicant was registered to vote. Ex. SS at 337. The form includes an affidavit. Tr. Day 6 a.m., 92:6-10.
68. An applicant swears that he or she is at least 18 years old, a United States citizen, domiciled in that ward or town, understands that the applicant can only claim one domicile, and that the applicant is not qualified to vote in any other state. Ex. SS at 337; Tr. Day 6 a.m., 92:6-10, 92:20-93:3.
69. Affiants declare:

I acknowledge **that I have read and understand the above qualifications** for voting 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 in any other polling place in this election.

Ex. SS at 337 (emphasis in original).

IV. Facts Concerning Qualified Voter Affidavits

Defendants request the following findings regarding the Qualified Voter Affidavit, including the affidavit's purpose, function, and historical usage.

A. Qualified Voter Affidavit Purpose & Function

70. Prior to HB 1569, if an applicant chose not to present proof of identity, citizenship, or age when registering to vote, or did not presently possess such documentation, the applicant

could complete a QVA to attest that he or she was qualified to vote. Tr. Day 6 a.m., 110:23-111:3; Day 8 a.m., 119:24-1; Ex. SS at 314.

71. The QVA form required the applicant's name (and birth name if different), place and date of birth, place and date of naturalization (if applicable), and domicile (and mailing addresses if different). Ex. SS at 314.

72. Affiants declared:

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.

Ex. SS at 314.

73. After an election, the Secretary's office sought to confirm the identity of affiants who used QVAs to prove identity, but it did not attempt to confirm age or citizenship. Day 6 a.m., 111:15-19.

74. Once a voter executed a QVA for any purpose—identity or otherwise—New Hampshire law does not require the voter to confirm his or her identity or qualifications, nor does it require the voter to prove qualifications in the future. Tr. Day 6 a.m., 116:21-117:6.

B. Qualified Voter Affidavit Historical Usage

75. The number of voters who used QVAs to prove citizenship when registering to vote cannot be calculated precisely for at least three reasons.

76. First, New Hampshire's legacy voter database typically did not identify which QVAs had been executed for citizenship purposes. Tr. Day 2 a.m., 97:12-17.

77. Dr. Mayer's Expert Report calculated that since the SVRS started tracking this information, 16.8% of all registrants used QVAs for citizenship—14,306 total registrations. Ex. 18 at 22.
78. Dr. Mayer's report has been admitted as Exhibit 18. Joint Stip. Regarding Experts, ECF No. 134, ¶ 1.
79. Elections Director Piecuch testified that it is possible that approximately 10,500 voters executed QVAs to prove citizenship in the November 2024 election, but she explained that not all affiants were first-time registrants. Tr. Day 8 p.m., 54:20-7.
80. Second, QVA usage reports do not include individuals who were registered in New Hampshire, but whose registrations were inactive. Ex. 16, ¶ 51 & n.21.
81. Third, aggregated QVA-citizenship data can be opaque because local election officials manually enter QVA and other registration data into the SVRS from hand-marked forms, which may themselves be incomplete. Tr. Day 8 a.m., 37:20-24.
82. For instance, Plaintiff's Rule 1006 Exhibit 356 summarizes citizenship QVAs executed between June and November 2024 in four New Hampshire cities. Ex. 356.
83. Manchester reflects numerous vagaries on the face of the QVAs: seven do not claim to attest to citizenship,¹ seven do not have voter registration dates,² 20 are missing or have facially incorrect places of naturalization,³ and 48 are missing required naturalization dates.⁴

¹ Ex. 356 at Manchester_000009, 000028, 000135, 000140, 000143, 000145, 000183.

² Ex. 356 at Manchester_000092, 000135, 000139, 000156, 000176, 000177, 000183.

³ Ex. 356 at Manchester_000019, 000035, 000044, 000047, 000050, 000059, 000076, 000089, 000104, 000107, 000117, 000119, 000120, 000126, 000142, 000149, 000160, 000170, 000173, 000181.

⁴ Ex. 356 at Manchester_000002, 000004, 000007, 000008, 000011, 000019, 000022, 000029, 000030, 000036, 000039, 000044, 000046, 000047, 000050, 000057, 000059, 000063, 000071, 000076, 000078, 000087, 000097, 000104, 000106, 000107, 000114, 000115, 000117, 000119, 000120, 000122, 000126, 000128, 000136, 000142, 000143, 000145, 000156, 000159, 000160, 000161, 000162, 000170, 000176, 000177, 000178, 000181.

V. Facts Concerning Challenged Voter Affidavits

Defendants request the following findings regarding Challenged Voter Affidavits, including the affidavits' purpose and function, the process for challenging voters' qualifications, and future challenges to voters' qualifications.

A. Challenged Voter Affidavit Purpose & Function

84. Prior to HB 1569, the vast majority of registered voters who executed Challenged Voter Affidavits (CVAs) did so because they failed to bring a photo-ID to check in to vote. Tr. Day 6 a.m., 109:15-19.
85. If a voter checked in but did not present proof of his or her identity, the voter could execute a CVA to obtain a ballot, though such a voter's eligibility was not technically "challenged." Tr. Day 6 a.m., 96:25-97:6.
86. Since most, if not all, voters who completed CVAs attested to identity, the CVA form includes a place for a photograph so the ELU could later verify the voter's identity. Tr. Day 6 a.m., 110:1-9; Ex. SS at 315.
87. The CVA form has been entered as Exhibit SS at page 315. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
88. A voter could execute a CVA if he or she was subject to a challenge that the moderator or the supervisors of the checklist decided was well grounded. Tr. Day 6 a.m., 100:12-21.
89. There is no evidence that any voter has ever been successfully challenged through a voter challenge. *See generally* Tr. Day 1-9.
90. There is no evidence that any voter has ever used a CVA to vote when challenged. Tr. Day 2 a.m., 103:17-22.
91. Deputy O'Donnell testified that he is not aware of any successful challenge to a voter's qualifications on citizenship grounds. Tr. Day 6 a.m., 101:3-12.

92. Deputy O'Donnell is not aware of any founded challenge to a voter's qualifications. Tr. Day 6 a.m., 101:23-24, 103:9-12.
93. Deputy O'Donnell investigated a few instances where individuals voluntarily left polling places, after being threatened with a voter challenge. Tr. Day 6 a.m., 101:15-18. In each instance investigated by Deputy O'Donnell, the voter was not qualified because the voter was not domiciled within the polling place's jurisdiction. Tr. Day 6 a.m., 101:18-22.

B. The Current Process for Challenging a Voter's Eligibility

94. HB 1569 repealed CVAs. Tr. Day 6 a.m., 100:22-25. Where a moderator or the supervisors find it more likely than not that a challenge to a voter's qualifications is well grounded, the voter may immediately appeal the decision to New Hampshire superior court. Tr. Day 6 a.m., 100:25-101:2, 104:7-14.
95. Only two types of people may challenge a New Hampshire voter's eligibility to vote: (a) a registered voter in that town or ward; or (b) a documented party-appointed challenger. Tr. Day 6 a.m., 96:12-24.
96. The current process requires a challenger to announce his or her intention to the moderator and explain the basis and grounds for the challenge. Tr. Day 6 a.m., 97:9-14.
97. If the challenge is improper, the moderator should explain the improper basis. Tr. Day 6 a.m., 97:15-17.
98. If the challenger wishes to proceed after consultation with the moderator, the challenger must complete a challenge form under oath, administered by an election official, and subject to the penalties of perjury. Tr. Day 6 a.m., 97:17-20.
99. The challenger's form must state both the grounds for the challenge and the personal knowledge upon which the challenger bases the assertion that a specific voter should not be allowed to vote. Tr. Day 6 a.m., 97:20-22.

100. The form has been entered into evidence as Exhibit SS at pages 317-18. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
101. Where a sworn challenge relates to a voter's qualifications, the supervisors must decide whether the voter is qualified. Tr. Day 6 a.m., 98:9-12.
102. If the challenge relates to anything other than voter-qualifications, the moderator must decide. Tr. Day 6 a.m., 98:12-14.
103. Typically, the deciding party discusses the matter with both the challenger and the voter, and considers their input. Tr. Day 6 a.m., 98:14-18.
104. The supervisors or the moderator then resolve whether the challenge is well grounded. Tr. Day 6 a.m., 98:17-18; Ex. SS at 318.
105. New Hampshire law presumes that voters appearing on checklists are qualified to vote. Tr. Day 6 a.m., 99:15-17.
106. So, any challenge must overcome the initial presumption that the voter has already proven all qualifications and demonstrate that a challenger has personal, credible knowledge that the voter is not qualified. Tr. Day 6 a.m., 99:17-100:2.
107. Both the ELU and the Secretary's office have advised election officials that if any voter might be turned away or challenged, officials should reach out to the Attorney General's office before making a determination. Tr. Day 6 a.m., 98:21-99:3.
108. Local officials are responsible for the ultimate decision, but the ELU's long-standing position has been that the Attorney General should be consulted to reduce the risk of erroneous deprivation of the right to vote. Tr. Day 6 a.m., 98:21-99:6.

VI. Facts Concerning the Secretary of State and Attorney General's Administration of Qualified Voter and Challenged Voter Affidavits

Defendants request the following findings regarding state administration of Qualified Voter and Challenged Voter Affidavits, including the verification process, resource demands on state agencies to verify affiants, and reporting requirements.

A. Qualified Voter & Challenged Voter Affidavit Verification Process

109. Where voters executed QVAs for identity during registration or when voters used CVAs for identity when checking in to vote, supervisors and clerks entered the QVA and CVA information into the SVRS. Tr. Day 8 a.m., 37:5-10.
110. Clerks were responsible for maintaining the physical forms, so after running affidavit usage reports from the SVRS, the Secretary's office contacted clerks to ensure that clerks retained the physical forms. Tr. Day 8 a.m., 37:11-13.
111. The Secretary's office worked with them to ensure that the numbers were correct (*e.g.*, six affidavits executed and six physical affidavits retained) and that the affidavits were associated with the correct voters (*e.g.*, six affidavits were used by the same six voters identified in the SVRS). Tr. Day 8 a.m., 37:11-19.
112. The Secretary's office also coordinated with local officials to correct key-in errors, which did occur. Tr. Day 8 a.m., 37:20-24.
113. After an election, the Secretary's office sent one of two letters to affiants, both of which sought to confirm the voters' identity. Tr. Day 8 a.m., 38:2-7; Day 6 a.m., 111:15-19.
114. A voter using a QVA for identity when registering would receive one, and a voter using a CVA for identity when checking in for a ballot would receive the other. Tr. Day 8 a.m., 38:2-7.
115. The letters included a postcard asking the affiant to acknowledge that he or she did, in fact, vote that day. Tr. Day 8 a.m., 38:2-7.

B. The Secretary of State's Resources Allocated to Qualified Voter & Challenged Voter Affidavit Identity Verifications

116. The Elections Director testified that the State Department dedicated “a lot of resources” to the QVA and CVA verification process. Tr. Day 8 a.m., 39:3-8.
117. The Elections Director, her staff, the Deputy Secretary, and State Department legal counsel confirmed usage and numbers at the local level, prepared letters, labels, and postcards; coordinated transmittal; processed and logged returned postcards; reprocessed and resent letters returned-to-sender that included new addresses; and monitored and recorded non-postcard voter confirmations. Tr. Day 8 a.m., 39:3-20.
118. If a voter did not confirm his or her identity by postcard, telephone, or e-mail, the Secretary conducted further independent research, including follow-up communications with local election officials. Tr. Day 6 a.m., 111:20-112:1; Tr. Day 8 a.m., 38:8-12.
119. New Hampshire law did not require affiants to verify their voter qualifications after the fact. Tr. Day 6 a.m., 116:21-117:6.
120. The Secretary referred unverified affiants to the Attorney General's Office. Exs. T-X.
121. The Attorney General's Office then took additional steps to verify voters. Tr. Day 6 a.m., 112:1-4.

C. The Attorney General's Resources Allocated to Qualified Voter & Challenged Voter Affidavit Identity Verifications

122. The former ELU Chief testified that the Attorney General's office does not have the resources to conduct QVA and CVA verifications simultaneously with other statutory duties. Tr. Day 6 a.m., 113:13-19, 114:3-10.
123. When fully staffed, the Election Law Unit has a budget of \$650,000 per year to support two full-time attorneys, two investigators who split their ELU responsibilities with other units in the Justice Department, and one investigative paralegal who also supports non-

- ELU matters and senior Justice Department leadership. Tr. Day 6 a.m., 15:24-16:1, 13:24-14:18.
124. Currently, both ELU attorney positions are vacant. Tr. Day 6 a.m., 15:1-3.
 125. For the ELU investigators, time spent verifying QVAs and CVAs prevents them from supporting other, more pressing ELU investigations. Tr. Day 6 a.m., 113:13-19.
 126. For example, of the 764 individuals who executed QVAs between May 2016 and January 2017, the Secretary referred 440 to the Attorney General's office. Ex. AA at DOJ-001404 to 001405.
 127. The 2018 Report of Investigation Regarding Domicile and Qualified Voter Affidavits has been admitted as Exhibit AA.
 128. ELU investigators verified identities for 276 of the 440 referred affiants from May 2016 through January 2017. Ex. AA at DOJ-001405.
 129. This investigation required at least 817 hours. Tr. Day 7 p.m., 52:18-21; Ex. AA.
 130. The Secretary referred 650 CVAs executed in the 2020 election to the Attorney General. Tr. Day 6 a.m., 114:3-10. I
 131. These affidavit investigations required about 150 investigative hours to complete. Tr. Day 6 a.m., 114:3-10.
 132. More recently, ELU investigators attempted to verify CVAs executed in elections between 2019 and 2021 by comparing CVA photos with Division of Motor Vehicle ("DMV") photo records. Tr. Day 6 a.m., 112:11-18.
 133. Where DMV photos did not resolve the issue, investigators attempted to contact affiants directly, one-by-one. Tr. Day 6 a.m., 113:1-6.

134. This individualized process is resource-intensive and has caused a backlog of CVA and QVA verifications. Tr. Day 6 a.m., 113:10-11 (including domicile attestations).
135. The Attorney General's office has not verified any affidavit from 2022 to the present. Tr. Day 7, 59:17-18.
136. Since 2017, the ELU has spent about 1,100 hours verifying QVA, CVA, and domicile affidavits combined. Tr. Day 7 p.m., 54:14-21.
137. The Attorney General's office has not yet received referrals from the Secretary for QVAs or CVAs executed in elections between 2022 and 2024. Tr. Day 6 a.m., 113:20-25.
138. The referrals from the Secretary of State to the Attorney General are admitted as Exhibits T-X.

D. The Secretary's and Attorney General's Qualified Voter & Challenged Voter Affidavit Legislative Reports

139. The affiant-verifying processes also require notification to the General Court. Tr. Day 8 a.m., 38:20-22. State officials must report the number of executed QVAs and CVAs within 60 days of an election. Tr. Day 8 a.m., 38:20-22.
140. The reports detail the number of returned postcards, the number of letters returned undeliverable, and the number of verifications referred to the Attorney General's office. Tr. Day 8 a.m., 38:23-25.
141. The reports to the legislature documenting the affidavit verifications performed by the Secretary of State's office are admitted as Exhibits Y and Z.
142. The reports to the legislature documenting the affidavit verifications performed by the Attorney General's office are admitted as Exhibits AA through DD.

VII. Facts Concerning Election Integrity & Wrongful Voting

Defendants request the following findings regarding election integrity and wrongful voting, including the state's duty to ensure fair and accurate elections, occurrences of wrongful voting, and the strategies and tactics used to prevent and investigate wrongful voting.

A. Ensuring Election Integrity

143. New Hampshire grounds its election scheme on two principles: only qualified voters can vote, and each qualified voter can only vote once in an election. Tr. Day 6 a.m., 96:2-7.
144. Accordingly, wrongful voting occurs when (for example) a voter unlawfully casts a ballot by voting in more than one jurisdiction or voting more than once in a single election, voting when not qualified, making false material statements to an election official, making false statements on an election affidavit, or presenting falsified documents to establish qualifications. Tr. Day 6 a.m., 35:25-36:6.
145. Wrongful voting distorts election outcomes, dilutes qualified voters' ballots, and inhibits the state's responsibility to protect the voters' interest in accurate election results. Tr. Day 6 a.m., 96:7-9; 120:7-17.
146. New Hampshire's elections are regularly decided by single-digit votes, so even one unlawful ballot can directly impact the outcome of a race. Tr. Day 6 a.m., Tr.121:5-10.
147. For example, one race in the most recent election cycle was decided by a coin-flip because the candidates tied and remained tied after a recount. Tr. Day 6 a.m., 121:10-12.
148. Had a wrongful vote been cast for either candidate in that election, the vote would have skewed the true outcome. Tr. Day 6 a.m., 121:12-14.
149. It does not matter whether an unlawful vote is cast intentionally or accidentally because regardless of intent, wrongfully cast ballots cannot be excised or discounted from the election results that they distort. Tr. Day 6 a.m., 125:18-24; Tr. Day 6 a.m., 93:5-12.

B. Instances of Wrongful Voting

150. Between 2016 and 2025, the ELU investigated 202 matters alleging various types of wrongful voting. Tr. Day 6 p.m., 61:20-62:2.
151. The ELU concluded that there were 49 instances of wrongful voting during that time. Tr. Day 6 a.m., 41:5-10.
152. Prior to wrongfully voting, each voter swore under the penalty of perjury that he or she was eligible to vote. Tr. Day 6 a.m., 91:10-13, 92:20-93:3; *see also* Ex. SS at 337.
153. Since 2016, the ELU investigated nine alleged noncitizens for wrongful voting. Tr. Day 6 p.m., 62:7-15.
154. It found that seven of the suspected noncitizens were, in fact, noncitizens who registered to vote a total of nine times, and that they voted in 23 total elections. Tr. Day 6 a.m., 73:15-19, 90:22-91:4.
155. There is one pending prosecution of an alleged noncitizen voting not included in the foregoing tallies: *State v. Naseef Bryan*. Tr. Day 6 a.m., 66:6-11, 23.
156. Mr. Bryan is facing three felony complaints for voting in the November 2023 Manchester city election, the January 2024 presidential primary election, and the November 2024 state general election despite not being a United States citizen. Tr. Day 6 a.m., 66:17-21.
157. The ELU is prosecuting Mr. Bryan because its investigation concluded that: (a) U.S. Citizen & Immigration Services denied Mr. Bryan's application for naturalization; (b) Mr. Bryan nevertheless executed a QVA to prove citizenship; (c) he knowingly completed a voter registration form in the first election; (d) he admitted to voting in the two subsequent elections; and (e) the marked checklists reflected that Mr. Bryan voted in all three elections. Tr. Day 6 a.m., 69:6-70:5.

C. Preventing Wrongful Voting

158. Prior to HB 1569, any person could appear at the polling place on election day without any documents to demonstrate that he or she is a qualified voter, and register and vote by completing Qualified Voter, Domicile, and Challenged Voter Affidavits. Tr. Day 6 a.m., 121:19-122:5.
159. The voter was not obligated to confirm any attestation to his or her qualifications. Tr. Day 6 a.m., 116:21-117:6.
160. Post-election investigations and prosecutions are an essential components of election integrity, but they do not correct election results that have been distorted by wrongful votes. Tr. Day 6 a.m., 133:15-25.
161. Post-election enforcement can also reinforce incorrect public perception that voter fraud is widespread. Tr. Day 6 a.m., 133:18-134:3.
162. Requiring documentary proof of citizenship is a preventative measure to ensure that before someone wrongfully casts an irreversible vote, the voter is in fact qualified. Tr. Day 6 a.m., 125:25-126:4.

D. Investigating Wrongful Voting

163. Typically, the ELU becomes aware of a possible election law violation through the Election Law Hotline. Tr. Day 6 a.m., 36:22-37:1.
164. Upon receiving a concern or allegation, the ELU decides whether there is a reasonable basis to investigate. Tr. Day 6 a.m., 37:2-7.
165. Investigations typically begin with an ELU investigator contacting the complaining party and collecting information and documents. Tr. Day 6 a.m., 38:8-12.
166. The investigator may search and collect public records. Tr. Day 6 a.m., 38:12-15.

167. The investigator contacts the town or city to collect election records and marked checklists, and if there is a concern that the suspect voted in another state, the investigator reaches out to that state for its election records. Tr. Day 6 a.m., 38:16-21.
168. The investigator interviews witnesses and keeps ELU counsel apprised of the investigation's progress. Tr. Day 6 a.m., 38:22-39:2.
169. The final step is usually an interview with the suspect. Tr. Day 6 a.m., 38:22-39:2.
170. Investigator Richard Tracy of the ELU spends 15-20% of his time investigating matters of wrongful voting. Tr. Day 7 p.m. 59:9-14.
171. Investigator Richard Tracy of the ELU estimated that he has spent well over a thousand hours investigating wrongful voting cases in his eight and a half years in the unit. Tr. Day 7 p.m. 23:17-21.
172. The ELU spent around 700 hours in 2024 investigating instances of wrongful voting. Tr. Day 7 p.m. 23:25-24:10.
173. After completing an investigation, the ELU decides whether the wrongful voting allegations are founded, and if founded, whether the wrongful voting warrants civil or criminal penalties. Tr. Day 6 a.m., 39:3-40:1.
174. All investigations trigger the Attorney General's statutory duty to report the results to the legislature every six months. Tr. Day 6 a.m., 41:15-24.
175. Biannual reports from 2016 to present have been admitted into evidence for the purpose of showing complaints received, investigations performed, and conclusions reached by the ELU as described in Exhibits A through O. Tr. Day 6 a.m., 56:4-8, 59:17-60:6.

E. Investigating Qualified Voter Affidavits for Citizenship

176. Of the three qualifications to vote (age, domicile, and citizenship), ineligible citizenship is the most difficult to detect because citizenship is not apparent to outside observers. Tr. Day 6 a.m., 94:1-4.
177. Unlike domicile complaints, New Hampshire's complaint-based election law enforcement scheme does not identify suspected noncitizen voting through alerts raised by the public. Tr. Day 6 a.m., 94:17-95:13.
178. Moreover, the ELU cannot proactively search for and investigate the qualifications of voters without good cause. Tr. Day 6 a.m., 95:10-13.
179. Citizenship investigations are necessarily reactive because no single database lists every U.S. citizen. Tr. Day 6 a.m., 114:18-115:4.
180. There are two principal reasons that the Election Law Unit does not review affidavits for citizenship after an election. Tr. Day 6 a.m., 114:11-14. First, QVA investigations for citizenship are not statutorily required, and second, even were they required, the ELU does not have the resources to undergo that type of inquiry. Tr. Day 6 a.m., 114:14-17.
181. Although some state and federal databases can be used to verify citizenship, no single database lists every American citizen. Tr. Day 6 a.m., 114:18-115:4.
182. Moreover, prior to HB 464, the Attorney General's office had limited access to the DMV database, so while the DMV database could have been used to prove citizenship for some, the ELU did not have authority for open access the database to assist voters to prove citizenship. Tr. Day 6 a.m., 115:5-16.
183. The federal government has the SAVE database, but there are state access barriers and, as a practical matter, the absence of a name does not mean that a person is not a citizen. Tr. Day 6 a.m., 115:17-24.

184. Two sources typically trigger noncitizen voting investigations: either (a) the voter volunteers information on a registration form or presents a document showing that he or she is not a citizen; or (b) an administrative or judicial proceeding alerts the Attorney General to a suspected noncitizen's voting. Tr. Day 6 a.m., 95:4-10.
185. So, complaint-based *post hoc* enforcement is not likely to detect a noncitizen who does not reveal him or herself as a noncitizen. Tr. Day 6 a.m., 95:21-24, 95:4-10. It is very probable that there are more noncitizens voting than the ELU has detected. Tr. Day 6 a.m., 95:18-21.

VIII. Facts Concerning Voter Confidence

Defendants request the following findings regarding voter confidence, including the importance of enhancing voter confidence and the conclusions of the Special Committee on Voter Confidence.

A. Influences on Voter Confidence of Interest to the State

186. HB 1569 requires that all new voter registrants provide documentation to prove their qualifications to vote—it does not permit them to self-certify. Tr. Day 9, 21:6-10.
187. Voter confidence is a question of whether the public believes that when the state reports election results, the tabulation is accurate and only qualified voters participated in the election. Tr. Day 6 a.m., 131:16-22.
188. High voter confidence results in higher voter turnout. Tr. Day 9, 8:6-11.
189. The State seeks to ensure that voters are confident that elections are fair, votes are counted impartially, results are delivered promptly and accurately, and that only those qualified to vote do so. Tr. Day 9, 21:11-12, 7:19-8:1.
190. Ninety percent of the New Hampshire electorate has confidence in their elections. Tr. Day 9, 54:22-55:3.

191. Nevertheless, public confidence in elections has declined due to political rhetoric. Tr. Day 9, 55:12-17.
192. That is why transparency is essential to election processes. Tr. Day 9, 11:11-22.
193. If there are unqualified voters voting, it dilutes the vote of a qualified voter and reduces confidence of voters in the outcome of an election. Tr. Day 9, 15:2-6; 19:3-17; Tr. Day 6 a.m., 121:5-18.

B. Special Committee on Voter Confidence

194. The December 22, 2022 Report of the Special Committee on Voter Confidence was admitted as Exhibit R. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
195. Shortly after becoming Secretary of State, Secretary Scanlan faced a state with declining voter confidence. Tr. Day 9, 5:19-25.
196. By “voter confidence,” he meant the average voter believes in the electoral process—that elections are conducted in a fair and impartial manner; that the results that are delivered at the end of the night accurately reflect the outcome of the election; and that the participants in that election process are qualified to participate. Tr. Day 9, 7:19-8:1.
197. Instilling this confidence is an important part of the Secretary of State’s role because if voters do not have confidence in the election process, then they wonder whether it is important to vote or whether their vote will count. Tr. Day 9, 8:2-9.
198. To address these concerns, the Secretary created the Special Committee on Voter Confidence. Tr. Day 9, 5:18-21.
199. His goal in creating the committee was to organize a diverse group of knowledgeable individuals in elections to discuss and determine where improvements could be made to help voters be more confident in New Hampshire elections. Tr. Day 9, 6:1-5.

200. He chose the participants, aiming to ensure that the committee participants represented the whole political spectrum. Tr. Day 9, 6:6-8.
201. Assembling the committee with such a diverse set of members was important because part of the lack of confidence among voters stemmed from how polarized politics had become. Tr. Day 9, 7:8-18.
202. The committee held around a dozen hearings across New Hampshire, totaling about 47 hours of testimony from 400 individuals. Tr. Day 9, 8:22-23; Tr. Day 1 a.m. Zink 62:18-21.
203. Each of the hearings began with testimony from specific players in the election process, such as academics, pollsters, chairs of both political parties, and the Attorney General's Office. Tr. Day 9, 8:22-9:3.
204. Members of the general public were then given an opportunity to speak. Tr. Day 9, 9:4-9.
205. Secretary Scanlan attended as many of the hearings as he could, not as a participant but as an observer. Tr. Day 9, 9:23-24.
206. Although the Secretary did not ask the committee to come to any particular conclusions, it issued a report detailing its findings. Tr. Day 9, 8:12-19.
207. He did not provide input. Tr. Day 9, 8:15-17. The December 22, 2022 Report of the Special Committee on Voter Confidence was admitted as Exhibit R. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
208. The committee found in its report that voters believe that voting in New Hampshire is "one of the easiest places to vote in the country" and "voters of all political persuasions

continuously find it to be easy to vote [in New Hampshire] by overwhelming majorities.”

Ex. R at 3-4.

209. The committee further found that New Hampshire had the third highest voter turnout in the country in the last four presential elections. Ex. R at 4.
210. Secretary Scanlan agreed with each of the findings in the report. Tr. Day 9, 11:23-25.
211. On June 10, 2024, he wrote to the committee updating them on the steps his office took to follow up on the committee’s recommendations. Tr. Day 9, 12:16-21.
212. The Report to the Special Committee on Voter Confidence was admitted as Exhibit S. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
213. The report detailed the steps taken by the Secretary of State’s Office in response to the committee’s findings, such as hiring a communications director, expanding and beefing up training sessions, working to help local election officials recruit poll workers, and expanding voter education efforts through social media and direct contact with interested groups. Tr. Day 9, 12:24-13:21.
214. The report also addressed increasing public information on the process for citizens to file complaints, including the fact that every polling place is required to display posters that prominently display contact numbers and information to call if a voter has a problem. Tr. Day 9, 14:5-11.
215. The Attorney General’s Office also sends out a field contingency that visits polling places so that if there is a problem at any given polling place, somebody either from that office or the Secretary’s office can assist in short order. Tr. Day 9, 14:12-17.

IX. State’s Interests in Passage of HB 1569

216. HB 1569 is intended to protect the election from unlawful votes. Tr. Day 6 a.m. 121:1-4.

217. HB 1569 cannot eliminate all wrongful voting, but it prevents one avenue where a voter could get on the voter rolls without being qualified. Tr. Day 6 a.m. 122:3-5.
218. HB 1569 prevents unqualified voters from voting because it prevents unqualified individuals from registering to vote via affidavit. Tr. Day 6 a.m. 121:21-25.
219. If HB 1569 were in effect at the time, several of the founded instances of wrongful voting confirmed by the Election Law Unit would have been prevented, including several instances in which voters used affidavits and another in which a voter was unaware of her noncitizen status. Tr. Day 6 a.m. 122:9-17.
220. HB 1569 increases confidence that the votes that are actually cast and counted are lawful. Tr. Day 6 a.m. 120:18-121:4.
221. The passage of HB 1569 gives confidence that the individuals that are registering to vote are in fact qualified. Tr. Day 9, 21:13-18; Tr. Day 6 a.m., 120:20-121:4.
222. HB 1569 protects state resources because it prevents wrongful voting from occurring in the first instance, thereby avoiding investigations and enforcement actions by the Election Law Unit. Tr. Day 6 a.m. 134:6-10; Tr. Day 6 p.m. 4:24-5:6.
223. HB 1569 protects state resources because the Secretary of State's office and Election Law Unit are no longer required to investigate affidavits for identity after an election. Tr. Day 6 p.m. 4:17-5:3.

X. Facts Concerning Access to Documentary Proof of Citizenship

Defendants request the following findings regarding access to documentary proof of citizenship, including resolutions of name inconsistencies where a voter's documents do not match the voter's legal name.

A. Access to Documentary Proof of Citizenship

224. Dr. Herron estimates that there are 1,099,485 voting-eligible New Hampshire residents. Ex. 15, ¶ 130.
225. Dr. Herron conducted an internet survey of 600 respondents, from which he estimates that 98.82% (or 1,086,511 individuals) are American citizens. Ex. 15, ¶ 148.
226. Dr. Herron estimates that only 0.99% of American-born voting-eligible New Hampshire residents do not possess their birth certificates. Ex. 15, ¶ 151; Tr. Day 5 a.m., 86:3-5.
227. Regarding passport holders, 91.30% can access their passports today and the remaining 8.7% can access them, but not likely in one day. Ex. 15, ¶ 160.
228. Regarding those with birth certificates, 84.50% can access their certificates today and the remaining 15.50% can access them, but not likely in one day. Ex. 15, ¶ 160.
229. Dr. Herron's survey projections do not distinguish between voting-eligible New Hampshire residents who were born in New Hampshire, have a New Hampshire-issued ID, or have been registered to vote in the state (currently or previously). Tr. Day 5 p.m., 19:11-16, 19:24-20:5, 20:6-10, 20:11-15.
230. According to Dr. Herron's report and testimony, 1.67% of voting-eligible New Hampshire residents do not possess their birth certificates, passports, naturalization papers, or certificates of citizenship. Ex. 15, ¶ 176; Tr. Day 5 p.m., 15:22-25.
231. Dr. Herron's 1.67% estimate, in addition to including those who are New Hampshire-born, have a New Hampshire-issued ID, and have been registered to vote in the state, includes those who possess documentary proof of citizenship, though they do not possess the proof in their current legal names unless they have a marriage certificate. Tr. Day 5 p.m., 16:5-17.

232. Dr. Herron's survey also did not define what it means to "possess" a document, so it is unclear whether 1.67% includes people who have online, virtual, or digital access to their documents. Tr. Day 5 p.m., 19:6-10.

233. Open Democracy's expert, Dr. Kenneth Mayer, testified that his report and conclusions rely upon Dr. Herron's survey results. *See* Tr. Day 2 p.m., 39:5-13, 40:7-19.

B. Name Inconsistencies and Documentary Proof of Citizenship

234. The number of voting-eligible New Hampshire residents who do not possess documentary proof of citizenship in their current legal name is less than 1.67%. Ex. 15, ¶ 168 (resolving name inconsistencies with marriage certificates only).

235. Of the 1.67% of eligible voters identified by Dr. Herron as lacking documentary proof of citizenship, Dr. Herron does not identify how many of those individuals would nevertheless be able to vote under current law. Tr. Day 5 p.m., 20:6-15; Tr. Day 5 p.m., 17:7-10; Tr. Day 2 p.m., 16:18-20:10.

236. For example, Dr. Herron does not identify how many of those eligible voters are currently or previously registered to vote, are New Hampshire-born, or have New Hampshire-issued IDs. Tr. Day 5 p.m., 20:6-15; Tr. Day 5 p.m., 105:6-20.

237. He further does not identify residents whose name inconsistency would otherwise be cured by a divorce decree, a court order granting a name change petition, adoption records, or any other supporting documentation. Tr. Day 5 p.m., 16:18-17:10; Pl. Ex. 15 at 59-62.

238. Dr. Herron did not ask poll respondents with name inconsistencies whether they possess documentation of their name change; instead, Dr. Herron only asked these respondents whether they possessed a marriage certificate. Tr. Day 5 p.m., 16:18-17:10; Pl. Ex. 15 at 59-62.

XI. Facts Concerning Proof of Citizenship Other than Physical Possession of Birth Certificates, Passports, or Naturalization Papers

Defendants request the following findings regarding proofs of citizenship other than those expressly listed in RSA 654:12, I(a), including Statewide Voter Registration System (“SVRS”), Division of Motor Vehicles, Division of Vital Records, “other reasonable documentation,” SVRS access, and assistance available from the Secretary of State HAVA Elections Help Desk and the Attorney General Election Law Hotline.

A. Statewide Voter Registration System Data

1. General Purpose & Access

239. The Statewide Voter Registration System (“SVRS”) is a singular centralized voter registration and election administration system. Tr. Day 8 a.m., 44:7-15, 10:25-12:14.
240. It is a relational database that serves as the primary source for individual voter information, with internal and external interfaces to maintain and manage information related to absentees, cities and towns, and polling locations, among other things. Tr. Day 8 a.m., 44:7-15, 44:24-45:4.
241. It went online in April 2024, replacing ElectioNet. Tr. Day 8 a.m., 44:17-20.
242. Several local election officials with differing roles may access the SVRS: clerks, assistant clerks, deputy clerks, supervisors of the checklist, and assistant supervisors (only on election day). Tr. Day 8 p.m., 75:23-76:5, 17-24.
243. At least one supervisor in every city or town is required to have access to SVRS. Tr. Day 8 p.m., 46:3-7.
244. Approximately 1,275 election officials have access to SVRS throughout the State. Tr. Day 8 a.m., 47:10-11.

245. State elections staff at the Secretary of State and Attorney General's offices also have authorized access to the SVRS. Tr. Day 8 a.m., 45:16-23.
246. Election officials may access SVRS on their personal phone or computer. Tr. Day 8 a.m., 46:15-20; 47:4-5.
247. SVRS can be accessed through the following web browsers: Chrome, Safari, and Edge. Tr. Day 8 a.m., 47:1-2.

2. SVRS Training & Queries

248. For new SVRS users, the Secretary of State's office holds training once a year and occasionally offers one-on-one training for clerks or supervisors on SVRS. Tr. Day 8 a.m., 19:16-22.
249. The office may also cover SVRS changes at the annual clerk's conference. Tr. Day 8 a.m., 20:6-9.
250. The Secretary of State's office provides additional training for election officials including regional workshops and clerks' conferences. Additionally, the office publishes election management tools such as the Election Procedure Manual, the political calendar, and the election law book and provides these materials to all election officials. Tr. Day 8 a.m., 10:5-10.
251. SVRS itself also contains help instructions that provide step-by-step detailed instructions for certain processes. Tr. Day 8 a.m., 21:8-10.
252. Prior to HB 1569 and HB 464, the office trained local election officials to formulate SVRS queries for voter searches. Tr. Day 8 a.m., 78:18-23; Day 8 p.m., 86:14-19.
253. Local officials were also trained on the differences between the state's broader capacity to query voter information than localities. Tr. Day 8 a.m., 78:24-79:14.

3. Database Access

254. The Secretary of State and Attorney General's offices have instructed local election officials that they must have access to the SVRS including on election day. Tr. Day 6 p.m., 12:19-22.
255. Only four polling locations out of 313 reported lacking reliable internet and phone access in response to a survey in the spring or summer of 2025. Tr. Day 6 p.m., 23:11-15; 83:19-84:1.
256. Election day SVRS access need not be physically present at the polling place. Tr. Day 6 p.m., 12:23-24.
257. Officials must be able to contact someone to contemporaneously run an inquiry to assist voters, so officials may station an employee at the town clerk's office to run election day queries. Tr. Day 6 p.m., 12:23-13:5.
258. If polling places have internet or telephone issues, local election officials have been instructed to contact either the Secretary of State's Help Desk or the Attorney General's Election Law Hotline, where state officials can run SVRS inquiries. Tr. Day 6 p.m., 13:5-9.
259. State election officials in both offices received SVRS training dating back at least as far as Deputy O'Donnell's term as Election Unit Chief in 2023. Tr. Day 6 p.m., 35:8-20.
260. While serving as Chief of the ELU, Deputy O'Donnell assisted voters using SVRS queries prior to HB 464, including by looking up voters' prior registrations. Tr. Day 6 p.m., 35:21-36:7, 51:2-15.

4. HB 464 Training & Queries

261. The Secretary of State's office has provided several resources for local election officials regarding newly available SVRS Vital Records and DMV data. In mid-January 2026, the office distributed a guidance document (Exhibit UU) and detailed instructions (Exhibit

- VV) regarding the proper process for performing each type of inquiry (Exhibit TT). Tr. Day 6 p.m., 34:21-25; Tr. Day 8 a.m., 58:22-25.
262. The instructions are maintained within the SVRS and can be accessed by any authorized user who performs an inquiry. Tr. Day 6 p.m., 35:1-2. A new SVRS playground with dummy data was added to assist with training on February 5, 2026. Tr. Day 8 a.m., 77:9-20.
263. To protect voters' personal information, local officials' queries are narrower than state officials' capabilities, and local officials cannot conduct DMV or Vital Records searches outside the presence of the voter and the voter's completed search form. Tr. Day 6 p.m., 37:6-14, 51:16-22; Day 8 a.m., 48:1-10; Day 8 p.m., 86:19-25.
264. Local officials also have certain mandatory fields that they must query to protect voter privacy. Tr. Day 8 a.m., 71:22-72:10.
265. There are greater privacy concerns over local election official searches of DMV and Vital Records data than existed before the SVRS could access that confidential information. Tr. Day 8 a.m., 78:2-17.
266. State officials, though, have additional tools to assist local officials such as partial name searches. Tr. Day 8 p.m., 86:19-25.
267. A partial name search allows state users to search for an individual without the exact match requirement. Tr. Day 6 p.m., 37:16-18.
268. State users were able to perform partial name searches and date of birth searches, even prior to the implementation of HB 464 for the purpose of looking up voter registration information. Tr. Day 8 p.m., 86:14-25; 89:8-17.

269. For example, a state user can search Greg Smith instead of Gregory Smith and the search would return both results. Tr. Day 6 p.m., 37:19-20.
270. And unlike local officials, state officials are not required to have a voter present with the voter's search form to perform voter queries. Tr. Day 8 a.m., 72:25-73:5.
271. Local election officials have been instructed to contact state officials to get assistance with partial name searches. Tr. Day 8 a.m., 72:17-24; Exs. UU, TT, VV-1.
272. The Secretary of State and Attorney General's offices received additional training on performing searches on SVRS in January 2026 after HB 464 implementation. Tr. Day 6 p.m., 13:3-11; 36:20-37:5; Tr. Day 8 a.m., 79:20-22.

B. Division of Motor Vehicles Data

273. Division Motor Vehicle records are now available to local and state election officials through the SVRS to assist voters with proving voters' qualifications when registering to vote. Tr. Day 6 a.m., 116:3-7, Day 6 p.m., 11:12-19; Day 8 a.m., 58:13-19.
274. DMV data will assist voters seeking to prove their domicile and citizenship. Tr. Day 6 p.m., 11:21-22; Day 8 a.m., 60:4-9.
275. Any driver who establishes residency in New Hampshire must obtain a NH drivers' license within 60 days. RSA 263:35, I(a).
276. Records are pulled from the DMV on a daily basis. Tr. Day 8 a.m. 62:3-7.
277. There are more records pulled from the DMV on a daily basis than there are active voters in NH. Tr. Day 8 p.m. 71:16-19.
278. According to the New Hampshire Citizen Survey, 96.88% of eligible NH voters possess their driver's license. Pl. Ex. 15 at 57, Table 7.

279. Anyone who applies for a New Hampshire identification or driver's license must provide documents verifying citizenship or residency status. Tr. Day 6 p.m. 11:22-12:3; Day 8 a.m. 60:18-61:1; N.H. Admin. R. SAF-C 1002.02 (a)(b); DSMV 634A and 634B.⁵
280. Even if a person's identification does not reflect a current address, the DMV database will reflect an updated address if the person updated the address with the DMV. Tr. Day 6 p.m., 11:22-12:3; Day 8 a.m., 60:18-61:1.
281. A DMV inquiry on SVRS will produce one of three results for citizenship status: (1) United States citizen; (2) temporary resident; or (3) lawful permanent resident. Tr. Day 6 a.m., 116:7-8; Ex. VV-1 at SOS-3950901.
282. The first result is dispositive, but the second or third results would require follow-up to ensure that the registering voter did not get naturalized after their latest DMV interaction. Tr. Day 6 a.m., 116:8-12; Ex. VV-1 at SOS-3950902.
283. There are approximately 1.2 million DMV records. 394,000 of those records are non-REAL IDs and the remainder are REAL IDs. Tr. Day 2 p.m. 29:21-25; Tr. Day 2 p.m. 30:24-31:2.
284. Out of 1.2 million records updated daily by DMV, only 134 are missing citizenship data. Tr. Day 6 a.m., 65:11-25; 67:25-68:16.
285. DMV inquiries require one to two minutes to complete by an election official after a voter has completed the inquiry form. Tr. Day 8 a.m., 81:1-13.

C. Vital Records

1. Vital Records in New Hampshire

⁵ Forms DSMV 634A (Rev. 6/23) and Form DSMV 634B (Rev. 6/23) are incorporated by reference in the N.H. Admin. R. Saf-C 1002.02 (a)-(b), and can be found at the following links: <https://www.dmv.nh.gov/sites/g/files/ehbemt416/files/inline-documents/sonh/dsmv634a.pdf>; <https://www.dmv.nh.gov/sites/g/files/ehbemt416/files/inline-documents/dsmv634b.pdf>

286. Vital records in New Hampshire are maintained by the Division of Vital Records within the Secretary of State's Office. Tr. Day 7 p.m., 108:1-9.
287. Vital records include birth, marriage, death, divorce, civil union, dissolution and fetal death. Tr. Day 7 p.m., 108:2-4.
288. The database that holds such records is called the New Hampshire Vital Records Information Network ("NHVRIN"). Tr. Day 7 p.m., 111:6-11.
289. The database stores abstracts of vital records electronically. Tr. Day 7 p.m., 112:2-4. NHVIRN is a separate database from the SVRS. Tr. Day 7 p.m., 112:5-7.
290. The Division of Vital Records is not the only party who has access to NHVRIN—all New Hampshire town/city clerks, funeral directors, and medical professionals have some form of access. Tr. Day 7 p.m., 112:10-13.
291. Maintaining vital records is one of the regular duties of town and city clerks. Tr. Day 7 p.m., 113:5-7.
292. Clerks are the starting point for making any amendments for records and also issue certified copies of the records. Tr. Day 7 p.m., 113:14-16.
293. Individuals seeking to obtain a certified copy of their vital record must fill out a written and signed request, provide their information (such as date of birth, place of birth, and parents' names), provide the reason for the request, and pay \$15. Tr. Day 7 p.m. 113:20-25, 114:1-2.
294. They must also provide photo identification, and if they have none, fill out an additional form and provide two proofs to help establish their identity (such as a utility bill, car registration, or lease agreement). Tr. Day 7 p.m., 118:12-25; 119:1-5.

295. Birth records from 1935 to present are recorded within NHVRIN, excluding some from 1949 and 1950. Tr. Day 7 p.m., at 112:18-19, 152:15-153:5; Ex. PP at SOS-3948286.
296. Marriages from 1960 to the present are recorded in NHVRIN. Tr. Day 7 p.m., at 112:21-22; Ex. PP at SOS-3948286.
297. Divorces from 1979 to the present are recorded in NHVRIN. Tr. Day 7 p.m., at 112:24; Ex. PP at SOS-3948286.
298. So long as the record is within NHVRIN, any clerk can issue a vital record. Tr. Day 7 p.m., 114:3-5.
299. A vital record can also be obtained from the Division of Vital Records in person, through the mail, or online. Tr. Day 7 p.m., 117:14-18.
300. For individuals that visit the Division, obtaining a vital record takes five to ten minutes. Tr. Day 7 p.m., 117:22-23.
301. There is no evidence in the record regarding any individual who has been unable to obtain a birth certificate or faced obstacles in obtaining a birth certificate since the passage of HB 1569. *See generally* Tr. Days 1-9.
302. There was no testimony from any witness who was unable to obtain a birth certificate or who experienced any difficulty obtaining a birth certificate. *See generally* Tr. Days 1-9.
303. Vital records can also be obtained by immediate family members, attorneys representing clients, or even social service organizations. Tr. Day 7 p.m., 119:7-18.
304. The only limitation is that the individual requesting the record must have a tangible interest in it. Tr. Day 7 p.m., 119:7-8.
305. To use an example, someone with an elderly parent who lacks identification could request a vital record on their parent's behalf. Tr. Day 7 p.m., 120:8-10.

306. There has been an increase in the number of requests for vital requests in the past several years at the Division. Tr. Day 7 p.m., at 12-14.
307. Recently, there has been an increase in requests for vital records to obtain dual citizenship. Tr. Day 7 p.m., at 121:16-19.
308. There was also an increase in requests for vital records at the Division in April and May of 2025 for individuals seeking to obtain a Real ID. Tr. Day 7 p.m., at 121:16-122:11.
309. An increasing number of NH residents report having access to their vital records: according to the Survey of the Performance of American Elections (SPAEE), the number of NH residents who reported having a birth certificate increased by from 78.7% in 2016 to 85.7% in 2024. Pl. Ex. 18 at 8.

2. Free Certified Copies of Vital Records for Voting Purposes Only

310. Individuals can now obtain a free copy of any vital record—birth, marriage, divorce, civil union, and dissolution—if they will use it to register to vote in New Hampshire. Tr. Day 7 p.m., 122:20-23; Exhibit PP.
311. The free copy of a vital record can be obtained from any New Hampshire town or city clerk’s office, or from the Division of Vital Records Administration. Exhibit PP. The Secretary of State publicized this new option on its website. Tr. Day 7 p.m., 123:20-22.
312. As of February 18, 2026, 21 free certified copies of vital records for voting purposes have been issued. Tr. Day 7 p.m., 124:12-16.

3. Vital Records Can Now Be Searched Through SVRS

313. Certain vital records data is now shared with SVRS to assist voters with registering to vote. Tr. Day 6 p.m., 11:5-12:15; Exs. UU, TT, and VV-1.

314. Through SVRS, state and local election officials have access to a limited dataset of birth, marriage, divorce, death, civil union, dissolution records, and adoption records. Tr. Day 7 p.m., 125:4-5; Tr. Day 6 p.m., 12:4-6.
315. Vital Records data will assist voters seeking to prove citizenship, age, and name changes. Tr. Day 6 p.m., 12:7-8, 12:10-15; *see also* Tr. Day 2 p.m., 42:5-17 (Dr. Herron testifying that possession of a marriage certificate is not the only way to resolve name inconsistencies).
316. Vital records data is shared with SVRS on a daily basis. Tr. Day 8 a.m. 62:3-5.
317. A “limited dataset” means that SVRS does not contain, for example, full birth certificates with personal health information on them. Tr. Day 7 p.m., 125:10-11. Instead, the record in SVRS shows child’s name, date of birth, place of birth, and parents. Tr. Day 7 p.m., 125:12-14.
318. As of February 12, 2026, thirteen voters’ qualifications were verified through the Vital Record and DMV inquiry function on SVRS. Tr. Day 8 a.m., at 100:21-23.
319. Election officials searched DMV, birth, divorce, and marriage records to verify voters’ citizenship and name changes. Tr. Day 8 a.m., at 100:24-101:10.
320. Vital Records and DMV inquiries only take one to two minutes after a voter has completed the inquiry form. Tr. Day 8 a.m., 81:1-13.
- D. Other Reasonable Documentation**
321. HB 1569 allows registering voters to prove their citizenship with other reasonable documentation beyond the items specifically listed in the statute. Tr. Day 6 p.m., 7:9-14.
322. This is an open-ended and flexible standard meant to meet each voter’s particular needs. Tr. Day 6 p.m., 7:9-14.

323. The supervisors of the checklist determine what qualifies as reasonable documentation and make the ultimate decision as to whether to accept and approve a registrant. Tr. Day 6 p.m., 6:11-14.
324. The Secretary of State and Attorney General's offices, though, have responded to questions from officials and the public regarding other reasonable documentation, so the ELU advises local election officials of that guidance. Tr. Day 6 p.m., 6:14-23.
325. For example, the ELU has advised local election officials to accept photos of birth certificates on phones, even though a digital photo is not a physical birth certificate. *See* Tr. Day 6 p.m., 7:13-18.
326. Likewise, expired passports can serve as reasonable documentation of citizenship. *See* Tr. Day 6 p.m., 7:19.
327. Evidence of prior voter registration is proof of both citizenship and age. Tr. Day 6 p.m., 7:19-8:3.

E. N.H. State Department HAVA Elections Help Desk

328. The Election Help Desk at the Secretary of State's office also communicates with local election officials to make sure that the SVRS is functioning to their capacity and they are not having issues. Tr. Day 8 a.m., 9:15-18.
329. During almost all the training the Election Help Desk conducts—whether on the road or on demand—they tell local election officials to call the office if they have questions. Tr. Day 8 a.m., 24:10-16.
330. The Secretary of States' office also instructs election officials to contact the Elections Help Desk through official guidance, including on the back cover of the Election Procedure Manual and on the second page of the SVRS Inquiries Instructions. Exs. SS; TT; UU; VV-1.

331. The regular hours of the Elections Help Desk are Monday through Friday, 8:00 to 4:30, but these hours are extended on election days and before the filing period for state officers. Tr. Day 8 a.m., 23:21-24:7; Tr. Day 8 p.m., 52:16-18.
332. Additional staff, including attorneys from other divisions within the Secretary of State's office, will assist the Elections Division and answer phones on election day. Tr. Day 8 p.m., 69:9-25.
333. Anyone who has trouble with the registration process can call or e-mail the Help Desk to get the Secretary of State's assistance on election day. Tr. Day 6 a.m., 8:8-13.

F. N.H. Justice Department Election Law Unit's Election Law Hotline

334. The Election Law Unit provides support to the public through the Election Law Hotline. Tr. Day 6 a.m., 22:7-12.
335. The public may contact the ELU by telephone or e-mail for answers to questions about election procedure or concerns that they may have. Tr. Day 6 a.m., 22:7-20.
336. The Hotline is always available and it is publicized on the Election Procedure Manual, the ELU website, ELU press releases, and in election official trainings. Tr. Day 6 a.m., 23:24-25, 25:4-12.
337. The Hotline is also listed prominently in mandatory signage in every polling location. Tr. Day 8 a.m., 32:2-8; 34:12-14; Ex. KK10.
338. On election days, calls are forwarded to ensure telephone coverage throughout the broadest range of polling hours. Tr. Day 6 a.m., 23:24-25:7.
339. During the most recent state general election, for example, the ELU staffed the Election Law Hotline with eight or nine people. Tr. Day 6 a.m., 24:8-12.
340. Three people were assigned to call intake, who created lists of received calls. Tr. Day 6 a.m., 24:13-16.

341. A group of elections-experienced attorneys and investigators were responsible for responding to all calls and inquiries. Tr. Day 6 a.m., 24:16-19.
342. In 2024, the group included Brendan O'Donnell, who was the then-current ELU chief; three prior ELU chiefs, and Chief Investigator Dick Tracy. Tr. Day 6 a.m., 24:19-23.
343. Between June 2023 and June 2025, the Election Law Hotline received 2,087 inquiries. Tr. Day 6 a.m., 24:24-25:3.
344. If any voter has difficulty with the absentee ballot process, registering to vote, or voting, the voter can call the Hotline to get the ELU's assistance. Tr. Day 6 a.m., 22:24-23:4, Day 6 p.m. 8:8-13.
345. The ELU assists voters who have difficulty navigating the process and election officials seeking guidance on the proper application of election procedures before, during, and after elections. Tr. Day 6 a.m., 23:11-19.
346. The Secretary's office also refers some public and election official inquiries to the ELU, where inquiries may be enforcement-related. Tr. Day 6 a.m., 23:20-23.

XII. Facts Concerning New Hampshire's Election Experience After House Bill 1569

347. On election days, the ELU manages poll inspections across the state. Tr. Day 6 a.m., 18:9-17.
348. Two ELU investigators inspected polls at several locations during the March 2025 town elections and the November 2025 city elections. Tr. Day 6 a.m., 20:2-9.
349. In March 2025, the investigators inspected the polling locations in Windham, Hudson, and Hampton. Tr. Day 6 a.m., 20:10-18.
350. The investigators did not observe or receive reports of any concerns about voters not being able to register or vote at the March 2025 polling locations. Tr. Day 6 a.m., 20:19-22.

351. In November 2025, two investigators inspected polls in most Nashua and Manchester wards. Tr. Day 6 a.m., 20:23-21:9.
352. The investigators did not observe, nor receive reports of, any concerns about voters not being able to register or vote at the November 2025 inspected polling locations. Tr. Day 6 a.m., 22:3-6.
353. A NH resident, Earl Rinker, contacted the Election Law Hotline on the day of the 2025 Manchester city election. Tr. Day 6 p.m., 9:4-8.
354. Mr. Rinker was previously registered to vote in Manchester, but he changed wards. Tr. Day 6 p.m., 9:8-10.
355. When he tried to register to vote in his new ward, the election official asked Mr. Rinker to produce citizenship documentation, which he did not have with him at the time. Tr. Day 6 p.m., 9:11-13.
356. The Hotline confirmed through a search of SVRS that Mr. Rinker had previously been registered to vote in New Hampshire and informed local election officials that they should accept Mr. Rinker's prior registration as proof of citizenship, even though HB 464 had passed but was not yet in effect. Tr. Day 6 p.m., 9:14-18.
357. Had Mr. Rinker or an election official contacted the Hotline while he was still at the polls, the ELU could have immediately resolved the situation. Tr. Day 6 p.m., 10:6-11.
358. Under HB 464, evidence of prior New Hampshire registration is proof of citizenship, making Mr. Rinker's situation increasingly unlikely. Tr. Day 6 p.m., 10:2-5.
359. There is no evidence that *anyone* since the passage of HB 1569 has not been capable of registering to vote because he or she had no way to obtain proof of citizenship as

- permitted by HB1569 and HB 464. Tr. Day 6 p.m., 10:12-11:4; *see generally* Tr. Days 1-9.
360. One witness, ACLU Attorney SangYeob Kim, testified that he was improperly informed that he needed naturalization documents to prove his citizenship in addition to his passport when he attempted to register to vote, this issue was due to a deputy clerk's misunderstanding of the clear language of HB 1569, not due to the passage of HB 1569. *See* Tr. Day 6 a.m. 28:2-31:1; Pl. Ex. 178.
361. The misunderstanding of the deputy clerk was resolved within one day by the Election Law Unit and Attorney Kim was subsequently able to register and vote. *See* Tr. Day 6 a.m. 28:2-31:1; Pl. Ex. 178.
362. Evidence submitting regarding first-, second- or third- hand observations of prospective voters "turned away" during the March 2025 and November 2025 elections do not reflect whether these prospective voters were eligible to vote in that town or ward, why the prospective voter was "turned away," whether the prospective voter would have been assisted by the changes from HB 464, or whether the prospective was able to return to vote. *See* Day 3 p.m. 12:3-8; 17:19-21; 20:16-22; Pl. Exs. 4-5.
363. There is no evidence submitted in the record that establishes the number of qualified voters in New Hampshire who were unable to register to vote and cast a ballot following the enactment of HB 1569. *See generally* Tr. Days 1-9.
364. No witness testified that they were unable to vote due to the enactment of HB 1569. *See generally* Tr. Days 1-9.
365. No witness testified that they will be unable to vote due to the enactment of HB 1569. *See generally* Tr. Days 1-9.

366. There is no evidence on the record that any qualified individual was denied the right to register to vote or cast a ballot following the enactment of HB 1569 and HB 464. *See generally* Tr. Days 1-9.
367. There is no evidence on the record that any single qualified individual, let alone a substantial number of individuals, will be unable to vote due to the passage of HB 1569. *See generally* Tr. Days 1-9.
368. None of Plaintiff's experts were able to estimate the number of voters without documentary proof of citizenship who will be unable to register to vote following the implementation of HB 464. Tr. Day 2 a.m., at 139:1-22; *see generally* Tr. Days 1-9.

XIII. Facts Concerning Immediate Appeals to State Court After House Bill 1569

Defendants request the following findings regarding the process by which a voter may petition the superior court on appeal of a successful challenge to the voter's eligibility to cast a ballot.

369. Prior to HB 1569, New Hampshire courts put procedures in place to handle election-related matters on election day. Tr. Day 6 a.m., 104:18-105:4.
370. The ELU Chief reached out to the federal court and the state superior court to confirm that election day docket procedures would be available. Tr. Day 6 a.m., 104:18-21.
371. For example, the court designated a WebEx courtroom or a standby judge. Tr. Day 6 a.m., 104:21-23; Exs. HH1, HH2.
372. Election day court procedures included directing all complaints to one location, so a complaint could be filed in any Superior Court but the Merrimack Superior Court would be alerted. Tr. Day 6 a.m., 104:24-105:4; Exs. HH1, HH2.

373. State courts also ensured that all courts had access to current information and that courts' contact information for the major political parties and the Attorney General's office remained up-to-date. Tr. Day 6 a.m., 104:24-105:4.
374. After HB 1569, the judiciary made additional procedures available. Tr. Day 6 a.m., 105:5-107:21.
375. The New Hampshire Administrative Office of the Courts confirmed that it will use the same election day docket procedure where all complaints are directed to Clerk Uhouse at the Merrimack County Superior Court. Tr. Day 6 a.m., 105:8-17.
376. Prior to Manchester's November 2025 city election, the ELU Chief and the Manchester deputy clerk coordinated with the court to ensure that a judge would be available to hear a challenge if one arose. Tr. Day 6 a.m., 105:18-106:1.
377. The Superior Court Election Docket Court Procedures (Mar. 6, 2025) and correspondence regarding the same have been admitted as Exhibits HH1 and HH2. Joint Stip. Regarding Exhibits, ECF No. 136, ¶ 3.
378. Exhibit HH2 reflects the court's efforts to get quick, timely resolution to any election day challenges, including appeals of successful challenges to voters' qualifications. Tr. Day 6 a.m., 107:7-13.
379. A challenged voter appealing an adverse decision of a local election official would be subject to a Superior Court filing fee, but the voter may file a motion to waive all or a portion of that fee. Tr. Day 6 a.m., 106:2-6.
380. All polling locations are required to post "purity of elections posters" prominently. Tr. Day 8 a.m., 31:23-33:12

381. All polling locations must post a purity of elections poster containing the following notice: “A voter not allowed to vote as a result of the determination of the supervisor of the checklist make take an immediate appeal to the superior court as provided in RSA 654:12, V.” Tr. Day 8 a.m., 31:23-33:12; Ex. KK5 at SOS-FT-1031461.

XIV. Facts establishing Plaintiffs are not burdened by HB 1569

The following requested findings concern facts related to each Plaintiff’s Article III standing. The Court instructed the parties to propose findings related to Plaintiffs’ standing, as requested by Plaintiffs immediately following the trial. Tr. Day 9, 112:17-24. Accordingly, Defendants’ requested findings for standing should not be construed as Defendants’ argument that such facts are sufficient to establish Plaintiffs’ standing. For the reasons Defendants argued in their Motion for Summary Judgment, Plaintiffs do not have standing and the evidence at trial does not change Defendants’ constitutional analysis. *See* Defs.’ Mot. Summ. J., ECF No. 88 (Nov. 7, 2025) (denied by Order, ECF No. 135 at 2 (Feb. 6, 2026)).

A. Facts Concerning the Organizational Plaintiffs

1. New Hampshire Youth Movement and Its Members

382. New Hampshire Youth Movement is a nonprofit membership organization. Tr. Day 2 a.m., 8:1-2.

383. A Youth Movement member is any young person who regularly takes part in the organization’s work by participating in hub meetings or attending events. Tr. Day 2 a.m., 13:5-8.

384. There are currently 70 to 80 members. Tr. Day 2 a.m., 13:15-18.

385. The number of members frequently changes due to changes in member interest. Tr. Day 2 a.m., 13:21-25.

386. All named Youth Movement members are currently registered New Hampshire voters. Tr. Day 3 a.m., 11:14-18 (Montagano), 29:4-7 (Sumner), 41:4-12 (Barry and Wyman), 76:9-22 (Musick).
387. Ms. Montagano first registered to vote in Durham, New Hampshire, in 2022. Tr. Day 3 a.m., 11:14-18.
388. She re-registered in Lee at the beginning of 2024, and re-registered again in Keene on November 5, 2024. Tr. Day 3 a.m., 11:18-20.
389. Although Ms. Montagano used a QVA to re-register and vote in Keene, she proved her citizenship when registering in Durham and Lee with documentation, most likely her birth certificate. Tr. Day 3 a.m., 12:16-19, 11:21-12:5.
390. Ms. Montagano believes that it is important to keep her birth certificate safe. Tr. Day 3 a.m., 19:12-18.
391. She chooses to keep her birth certificate with her parents, she knows where her parents keep it, it is easily accessible to her, and Ms. Montagano would not expect her parents with withhold access to the birth certificate if she needed it. Tr. Day 3 a.m., 19:4-11, 19:19-20:3.
392. Ms. Montagano also has a New Hampshire-issued Real ID. Tr. Day 3 a.m., 20:4-8.
393. Ms. Sumner was born in Danbury, New Hampshire. Tr. Day 3 a.m., 27:1-3.
394. She has both a passport and a birth certificate, which Ms. Sumner chooses to keep in a safe in her mother's bedroom. Tr. Day 3 a.m., 31:12-15; 38:10-13.
395. Ms. Sumner registered to vote on election day, March 11, 2025. Tr. Day 3 a.m., 29:4-7.

396. She did not have either her passport or birth certificate with her that day at school, so Ms. Sumner coordinated with her mother to retrieve her documentation. Tr. Day 3 a.m., 32:1-5.
397. Around 6:00 p.m., Ms. Sumner retrieved her passport from her home kitchen counter and successfully registered and voted. Tr. Day 3 a.m., 32:6-11, 33:13-21.
398. Ms. Sumner would not expect her mother to withhold access to her passport or birth certificate if she needed either. Tr. Day 3 a.m., 38:14-18. Ms. Sumner also has a New Hampshire-issued Real ID. Tr. Day 3 a.m., 37:23-38:4.

2. New Hampshire Youth Movement and Its Organizational Operations

399. HB 1569 does not directly regulate New Hampshire Youth Movement. *See* Tr. Day 2 a.m., 24:18-19 (“We wish we could register voters ourselves, but we’re not able to do so.”).
400. Its mission is “to build the power and influence of young people,” and its principal priority is to advocate for progressive legislation by increasing voter participation in the age group of 18-to-34. Tr. Day 2 a.m., 9:10-15, 15:20-16:11.
401. Since its founding in late 2016 or early 2017, Youth Movement has used social media to educate voters, organized Get Out the Vote and Pledge to Vote campaigns, and has provided rides to the polls on election days. Tr. Day 2 a.m., 8:24-25, 16:3-11.
402. These activities have continued since HB 1569 went into effect. Ex. 23; Tr. Day 2 a.m., 53:17-25, 54:1-13, 63:16-18.
403. It has partnered with local election officials to host voter registration events, and it will continue to do so. Tr. Day 2 a.m., 55:2-4, 66:17-19.
404. Youth Movement has updated its voter education materials to reflect HB1569’s voter registration. Ex. 24; Tr. Day 2 a.m., 50:20-51:2, 56:5-18.

405. The organization is considering changing or adding to its programs, but it has not made changes or implemented new programs in response to HB 1569. Tr. Day 2 a.m., 57:10-13.

3. Coalition for Open Democracy and Its Organizational Operations

406. Since 2022, Open Democracy has helped organize high school registration drives. Tr. Day 1 a.m., 12:8-13.

407. In 2023, before HB 1569 was even introduced in the legislature, Open Democracy obtained funding to employ one full-time staff person, Sam Cassin, to perform this project. Tr. Day 1 a.m., 22:17-23, 12:20-13:2.

408. The organization typically holds voter registration drives at the high school, but the events must be coordinated with either the town clerk or the supervisor of the checklist. Tr. Day 1 a.m.,13:3-7.

409. Open Democracy admits that they cannot directly register voters in New Hampshire, rather it facilitates voter registration. 78:17-19.

410. Open Democracy acknowledges that the town clerk, city clerk, or supervisors of the checklist are “the only people that are allowed to hand a voter registration form to anyone registering to vote.” Tr. Day 1 a.m.,13:24-14:1

411. Both before and after the passage of HB 1569, Open Democracy merely trains students or school staff on how to coordinate and publicize voter registration drives. Tr. Day 1 a.m., 13-15. Although the information in their trainings and materials may change, the procedure for setting up voter registration drives did not. Tr. Day 1 a.m., 15-22.

412. Open Democracy had an employee serve as a poll observer in Conway and Keene for a couple of hours during their elections in 2025. Tr. Day 1 a.m., 40-42.

413. The employee noted four instances where voters were turned away on election day, with two voters later returning and registering that day. Tr. Day 1 a.m., 42:8-25.
414. There is no evidence that any one of these voters were high school age voters nor were they members of the Open Democracy Organization. Tr. Day 1 a.m., 42-45.
415. Open Democracy has no idea whether or not any voter who was turned away at a poll location or registration drive was in fact qualified to vote, and no idea whether they were later able to register to vote. Tr. Day 1 a.m., 82-84.

4. League of Women Voters of New Hampshire and Its Organizational Operations

416. The League of Women Voters publishes information about voting in New Hampshire, performs tabling at community events. Tr. Day 1 p.m., 13:2-17.
417. The League does not register voters at its tabling events, they merely provide information to people. Tr. Day 1 p.m., 23:5-14.
418. As a result of HB 1569, the League of Women Voters had to change the information it sends out to voters. Tr. Day 1 p.m., 45:17-20.
419. This is consistent with what they do every time there is a law change. Tr. Day 1 p.m., 45:24-46:2.
420. The League offered no evidence that any one of its members, or any member of the public that it encountered, were qualified to vote and unable to register to vote in any election in New Hampshire due to the passage of HB 1569. *See* Tr. Day 1 p.m., 13-54.

5. The Forward Foundation and Its Organizational Operations

421. The Forward Foundation's mission is to get more working-aged people, aged 20 to 49, to be more civically engaged. Tr. Day 4 a.m., 25:1-6.

422. The Forward Foundation's mission is to get more working-aged people, aged 20 to 49, to be more civically engaged. Tr. Day 4 a.m., 25:1-6.
423. This means they encourage people in this age range to vote, serve on a town committee, or run for office. Tr. Day 4 a.m., 8-11.
424. Forward Foundation does not appoint poll workers or election officials. Tr. Day 4 a.m., 91:5-25.
425. Forward Foundation is not a membership organization, rather it serves constituents in this age range. 25:23-26:1.
426. Forward Foundation hosted or participated in a number of events in 2024, prior to the passage of HB 1569, in order to hand out voter education informational materials. Pl. Ex. 55 & 56A; Tr. Day 4 a.m., 44-47.
427. As a result of HB 1569, it had to change its voter education materials. Tr. Day 4 a.m., 46:11-48:24.
428. However, Forward Foundation has to change information contained in its voter education materials for every election. Tr. Day 4 a.m., 84:21-87:2.
429. Forward Foundation could not identify a single voter, member of its constituency, or its organization who was qualified to vote and failed to register to vote in any election in 2025. Tr. Day 4 a.m., 23-93
430. Forward Foundation was not aware of any individual who was unable to obtain a birth certificate in the lead up to the November 2025 elections. Tr. Day 4 a.m., 84:3-8.

B. Facts Concerning the Individual Plaintiffs

1. Miles Borne

431. Plaintiff Miles Borne was born in 2007. Joint Stip. of Certain Facts, ECF No. 132, ¶ 1.
432. He was born in Portsmouth, New Hampshire. *Id.* at ¶ 2.

433. He graduated high school on June 6, 2025, and now attends Middlebury College in Vermont; and he lives at his parent's house in Rye, New Hampshire. *Id.* at ¶ 3.
434. Borne currently possesses both a U.S. passport and a birth certificate. They are both kept in a fireproof box where he lives in Rye. *Id.* at ¶ 4.
435. Borne's birth certificate was issued on January 26, 2009 and he and his parents have maintained possession of this document since that time, approximately sixteen (16) years. *Id.* at ¶ 5.
436. Borne's passport was issued on June 21, 2022 and expires on June 20, 2027. *Id.* at ¶ 6.
437. He also holds a New Hampshire driver's license that expires when he turns twenty-one (in the year 2028). *Id.* at ¶ 7.
438. Borne's driver's license is a New Hampshire Real ID. B *Id.* at ¶ 8.
439. Borne registered to vote in 2025, on the day of his 18th birthday. *Id.* at ¶ 9
440. Before school on the morning of his 18th birthday, Borne woke up early, performed his normal routine and then grabbed his passport and driver's license and drove down the road to town hall. *Id.* at ¶ 10.
441. Borne lives in Rye just minutes from the town hall where he registered to vote. *Id.* at ¶ 11.
442. He registered to vote sometime between 8:00 AM and 8:35 AM, before arriving at school a minute or two late. *Id.* at ¶ 12.
443. It takes him about three hours to drive between Rye and Middlebury College. *Id.* at ¶ 13.
444. Although Borne testified that he does not know what the future will hold, he plans to vote in future elections, including voting in the November 2026 election in New Hampshire by absentee ballot. *Id.* at ¶ 14.

2. A.M. and L.M.

445. Both L.M. and A.M. were born in 2008 in Austin, Texas and are presently seventeen (17) years old. *Id.* at ¶ 15.
446. They live in Hanover, New Hampshire with their mother and father (next friend, Russell Muirhead). *Id.* at ¶ 16.
447. Both A.M. and L.M. currently attend Hanover High School; A.M. anticipates graduating in June of 2026, while L.M. anticipates graduating early in January of 2026. *Id.* at ¶ 17.
448. A.M. does not have any summer plans after graduation and anticipates attending Wesleyan University in Middletown, Connecticut. *Id.* at ¶ 18.
449. Wesleyan is about a three-hour drive from his home in Hanover, New Hampshire. Docket No. *Id.* at ¶ 19.
450. After graduating in January, L.M. plans on working in Hanover and taking time off to travel to Spain and Jackson Hole, Wyoming. *Id.* at ¶ 20.
451. L.M. does not have any summer plans, and she plans to attend Colorado College in Colorado Springs in the fall of 2026. *Id.* at ¶ 21.
452. Both A.M. and L.M. will turn eighteen (18) in 2026, months before the state primary and election. *Id.* at ¶ 22.
453. A.M. was issued a New Hampshire driver's license. He brought his birth certificate on the day he obtained it. *Id.* at ¶ 23.
454. It took three-and-a-half hours for A.M. to fulfill all of the obligations associated with obtaining his Real ID driver's license. *Id.* at ¶ 24.
455. L.M. missed an entire day of school to obtain her driver's license – travelling to both Newport and Manchester from Hanover – an experience that lasted well over three hours. *Id.* at ¶ 25.

456. L.M. obtained a Real ID driver's license. *Id.* at ¶ 25.
457. She cannot specifically recall what she brought with her that day, but she does recall gathering documents beforehand and bringing them with her. *Id.* at ¶ 26.
458. Both L.M. and A.M know what documents they need to bring in order to register to vote. A.M. and L.M. have previously located their passports and their birth certificates. *Id.* at ¶ 27.
459. Both of their passports and birth certificates are kept in a safe in their basement and are accessible upon request to a parent. *Id.* at ¶ 28.
460. When he registers to vote, A.M. plans on asking his parents for assistance and expects that they will help. He has no reason to believe that his parents would discourage or prevent him from voting or registering to vote. *Id.* at ¶ 29.
461. He has had his same passport since it was issued in 2023 and his same birth certificate since 2008. *Id.* at ¶ 31.
462. A.M. plans to register to vote in person when he turns eighteen (18), but he has not thought about where he will register. *Id.* at ¶ 32.
463. He expects to be living in Hanover when he graduates high school and will turn eighteen (18) before then. *Id.* at ¶ 33.
464. In September 2026, although he expects he will be living in Middletown, Connecticut, he anticipates maintaining his domicile in New Hampshire for voting purposes and has no plans to vote in any other place. *Id.* at ¶ 36.
465. L.M. plans to register to vote primarily to enable her to vote in the federal elections. *Id.* at ¶ 38.

466. She plans to register in Hanover in “late spring or early summer,” before the fall national election in 2026. *Id.* at ¶ 39.
467. Other than this, she has no precise plan on when and where she will actually register to vote. L.M. believes that, in order to register to vote, she will need help from her mom to obtain the necessary documents and ask for help from her dad to go over the procedural aspect of registering. *Id.* at ¶ 40.
468. She plans to bring her birth certificate with her when she registers to vote. Docket No. 103-1, ¶ 201. L.M. plans to keep her birth certificate safe by “[n]ot touching it or moving it in when I don’t need to” and she knows of no reason why either her dad or mom would need to use it before she turns 18. *Id.* at ¶ 41. Having located her birth certificate and passport, she was asked “all that’s left now is to turn 18 and present either one or both when you go to register to vote, correct?” and she responded “correct.” *Id.* at ¶ 41.
469. Russell Muirhead keeps L.M. and A.M.’s birth certificates in a fireproof safe and has no specific plans to use the birth certificates for anything between now and November 2026 and has no reason to believe either will be removed from the safe. *Id.* at ¶ 43.

XV. *Purcell*-Related Findings

470. Should the Court order a change in implementation to existing election law, the lead time required to make the change varies greatly on the scope of the order and numerous other factors outside the control of the parties, including vendors and local election officials.
- Tr. Day 8 a.m., 54:2-56:11; Day 9, 65:20-66:1.

Respectfully submitted,

DEFENDANTS DAVID M. SCANLAN, in his
official capacity as New Hampshire Secretary of
State and JOHN M. FORMELLA, in his official
capacity as New Hampshire Attorney General

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: March 5, 2026

/s/ Michael P. DeGrandis
Michael P. DeGrandis, N.H. Bar No. 277332
Assistant Attorney General
Matthew T. Broadhead, N.H. Bar No. 19808
Associate Attorney General
Catherine A. Denny, N.H. Bar No. 275344
Assistant Attorney General
Laurie S. Young, N.H. Bar No. 266185
Assistant Attorney General
Office of the Attorney General, Civil Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3650
michael.p.degrandis@doj.nh.gov
matthew.t.broadhead@doj.nh.gov
catherine.a.denny@doj.nh.gov
laurie.s.young@doj.nh.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all parties of record in the consolidated cases, *New Hampshire Youth Movement v. Scanlan* (1:24-cv-00291-SE-TSM) and *Coalition for Open Democracy, et al. v. Scanlan, et al.* (1:24-cv-00312-SE-TSM), through the Court's e-filing system.

/s/ Michael P. DeGrandis
Michael P. DeGrandis