

**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

No. 1:24-cv-00291-SE-TSM

COALITION FOR OPEN DEMOCRACY, *et*
al.,

Plaintiffs,

v.

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

Defendants.

PLAINTIFF NEW HAMPSHIRE YOUTH MOVEMENT'S
POST-TRIAL PROPOSED FINDINGS OF FACT

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Plaintiff New Hampshire Youth Movement respectfully submits the following proposed findings of fact following the bench trial in this case.

I. Tens of thousands of voters used Qualified Voter Affidavits to prove citizenship before HB 1569 took effect without issue.

A. Tens of thousands of voters proved citizenship using Qualified Voter Affidavits in recent elections, especially on election day.

1. Before HB 1569 took effect, voters who did not have documentary proof of citizenship with them in the form of a birth certificate, passport, naturalization certificate, or other reasonable documentation of citizenship were offered a Qualified Voter Affidavit (“QVA”), which they could use to prove their citizenship by affirming that they were citizens under penalty of voter fraud. PTX-112 at 14, 30, 185–87.

2. According to data from the New Hampshire State Voter Registration System (“SVRS”), 10.25% of all voter registrants—a total of 14,737 registrants—relied on a QVA to prove their citizenship between April 24, 2024, and November 10, 2024. Day 5 AM Tr. 75:1–18 (Herron); PTX-016 at 3. Looking only at first-time registrants, the percentage who used a QVA to prove citizenship in that period is even higher—17%. Day 2 AM Tr. 97:18–25 (Mayer); PTX-018 at 22–23.

3. Young voters relied on QVAs to prove citizenship at particularly high rates. Between April 24, 2024, and November 10, 2024, 17.18% of registrants between 17 and 24 years old relied on a QVA to prove citizenship—a total of 5,956 voters—compared with 9.03% of registrants between 25 and 34 years old, 8.11% of voters between 35 and 44 years old, 7.34% of voters between 45 and 64 years old, 6.81% of voters between 65 and 84 years old, and 6.77% of voters between 85 and 99 years old. PTX-016 at 3.

4. Reinforcing this statistical evidence, Sayles Kasten, executive director of Youth Movement, testified that when working to assist young voters with registration, most of the voters

he encountered did not have documents to prove their citizenship with them. Day 2 AM Tr. 30:14–22 (Kasten). Before HB 1569, this “wasn’t a big deal because you could sign a voter affidavit at the polls and vote like everybody else.” Day 2 AM Tr. 32:1–9 (Kasten).

5. The overwhelming majority of QVAs used to prove citizenship between April 24, 2024, and November 10, 2024, were used during election day registration. SVRS data shows that 10,467 voters used QVAs to prove their citizenship on November 5, 2024, the day of the general election, making up 11.44% of election day registrants that day. PTX-016 at 5; *see also* Day 2 AM Tr. 99:25–100:5 (Mayer). Another 387 voters used QVAs to prove citizenship on September 10, 2024, the day of the state primary—6.23% of election day registrants that day. PTX-016 at 3.

6. Accurate data on the use of QVAs to prove citizenship is not available from before April 2024 because New Hampshire’s prior statewide voter registration system, ElectioNet, did not accurately track QVA use. Day 8 AM Tr. 44:16–20 (Piecuch); Day 8 PM Tr. 96:20–25 (Piecuch).

7. The use of QVAs to prove citizenship was particularly common in some New Hampshire municipalities. In Durham alone—New Hampshire’s largest college town—more than 1,000 voters registered after using a QVA to prove citizenship at the November 5, 2024 general election. Day 5 AM Tr. 81:25–82:8 (Herron); Day 1 PM Tr. 56:10–11 (Shump). More than half of same-day registrants at state and federal elections in Durham have historically lacked documentary proof of citizenship and relied on QVAs to prove their citizenship, register, and vote. Day 1 PM Tr. 62:25–63:7 (Shump). Secretary Scanlan had no basis to disagree with this evidence. Day 9 Tr. 35:12–14 (Scanlan).

8. Data from a sample of QVAs executed in 2024 also indicates that most New Hampshire voters who relied on them were not born in New Hampshire. *See* PTX-356 at 1. In

Concord, 320 out of 615 QVAs were executed by citizens born in another state, and another 33 were executed by citizens born outside the United States. PTX-356 at 1. In Hanover, 92 out of 100 QVAs were executed by citizens born in another state and 6 by citizens born outside the United States. PTX-356 at 1. In Lebanon, 181 out of 247 QVAs were executed by citizens born in another state and 13 by citizens born outside the United States. PTX-356 at 1. And in Manchester, 182 of 184 total were executed by citizens born outside the United States. PTX-356 at 1. Altogether, more than 72% of QVAs executed in 2024 in these four municipalities—829 out of 1146—were executed by voters born outside New Hampshire, either in other states or overseas. *See* PTX-356 at 1.

9. Election day registration is extremely common in New Hampshire. More than 526,055 New Hampshire voters registered to vote on state and federal election days between 2016 and 2024. PTX-015 at 40–41; PTX-018 at 19. This estimate is conservative as it includes those who registered only during general or primary elections, but not local elections. PTX-015 at 40, PTX-018 at 19. Between April and November 2024, two-thirds of new registrations took place on election day. *See* PTX-016 at 5.

10. Part of the reason election day registration is common in New Hampshire is that registering in advance of election day is uncommonly difficult here. Unlike the vast majority of states, New Hampshire does not generally offer voter registration by mail, online, or at state offices like the Department of Motor Vehicles. Nor does New Hampshire allow voter registration drives in which private organizations distribute and collect voter registration forms. Day 5 AM Tr. 101:7–102:18 (Herron); PTX-015 at 32–34; Day 6 PM Tr. 8:14–22 (O’Donnell). As a result of those and other restrictions, even before HB 1569, New Hampshire had one of the highest—and by some

measures *the* highest—cost of voting of all states. Day 5 AM Tr. 100:6–20 (Herron); PTX-015 at 32–34.

11. New Hampshire’s reliance on election day registration increases the burden from strict documentation requirements, because a would-be voter who only learns or remembers the need to provide documentary proof of citizenship when they arrive to register on election day may not have the time or ability to retrieve their proof of citizenship and return in time to cast a vote due to travel times, childcare constraints, or work obligations. Day 5 AM Tr. 92:5–93:7 (Herron). Voters often have very busy schedules and find it difficult to schedule multiple trips to register to vote. Day 1 AM Tr. 53:12–15 (Kim); Day 3 AM Tr. 13:17–21 (Montagano); Day 3 AM Tr. 35:17–23 (Sumner); Day 3 AM Tr. 48:25–49:2 (Cassin).

12. QVAs also provided a fallback option for voters who had unusual citizenship circumstances that made providing proof more difficult, or who—as a result of election worker error—faced demands for additional documentation that they should not have been required to provide. *See* PTX-108; Day 9 Tr. 41:12–42:4 (Scanlan); *see also* Day 7 PM Tr. 79:23–80:15 (Tracy); Day 1 AM Tr 55:5–56:16 (Kim).

13. New Hampshire does not offer a provisional ballot option. PTX-112 at 16 n.2 (“Citizens of New Hampshire who moved here from another state may have experienced casting a provisional ballot in their prior state when they failed to bring documentation of their qualifications or Photo ID to the polls. New Hampshire does not use a provisional ballot.”).

B. There is no evidence that the use of Qualified Voter Affidavits to prove citizenship threatened the integrity of New Hampshire’s elections.

14. Wrongful voting in New Hampshire elections before HB 1569 was extremely rare. Day 9 Tr. 53:3–8 (Scanlan). The “perception” that “unqualified voters are voting in New Hampshire . . . is largely inconsistent with reality.” Day 9 Tr. 19–21 (Scanlan). The Attorney

General's investigations into the eligibility of voters "have not revealed any significant voter fraud in New Hampshire." Day 6 PM Tr. 67:18–21 (O'Donnell).

15. Wrongful voting involving non-citizens in New Hampshire elections before HB 1569 was rarer still—"just a small subset" of the very low level of wrongful voting generally, and not "widespread." Day 9 Tr. 53:9–12 (Scanlan); Day 5 AM Tr. 51:4–52:12 (Minnite); Day 6 PM Tr. 61:7–62:15 (O'Donnell). There is no evidence that any election has ever been decided by the vote of a non-citizen in the history of New Hampshire. Day 9 Tr. 54:9–13 (Scanlan).

16. There are only eight non-citizens who are alleged to have registered to vote and voted in New Hampshire elections since 1998. Day 5 AM Tr. 42:13–43:3 (Minnite); Day 7 PM Tr. 43:11–17 (Tracy); Day 8 PM Tr. 68:25–69:7 (O'Donnell). They are alleged to have registered a total of ten times and voted a total of twenty-six times. Day 5 AM Tr. 49:23–50:1 (Minnite); Day 6 AM Tr. 69:19–22, 90:24–25, 91:3–9 (O'Donnell).

17. Only one of the eight instances of non-citizen registration is alleged to have involved intentional fraud, according to official investigations by law enforcement. Day 5 AM Tr. 43:23–44:12 (Minnite); Day 6 PM Tr. 62:6–15 (O'Donnell).

18. The record suggests that at most three of the eight non-citizens who are alleged to have registered to vote or voted in New Hampshire used a QVA to prove citizenship. Day 6 PM Tr. 84:18–85:1 (O'Donnell).

19. The first, Mr. Piper, submitted a QVA but insisted during the investigation that he had not filled in the portions of the affidavit form that claimed citizenship, a possibility that investigators could not rule out. The State did not prosecute Mr. Piper, concluding that election officials had provided him with "faulty and conflicting information" and "should not have accepted [his] registration in the first place, particularly after [his own] statements about being a foreign

national and ask[ing] if [he was] eligible to vote.” Day 6 PM Tr. 77:14–78:3 (O’Donnell); Day 7 PM Tr. 41:6–13 (Tracy); PTX-182 at 10–15.

20. The second, Naseef Bryan, is the only person to face prosecution for non-citizen voting in the last decade, but his case is still pending and he has not been adjudicated guilty. Day 6 PM Tr. 62:16–24 (O’Donnell). The State alleges that Mr. Bryan falsely completed a QVA claiming citizenship, after a naturalization interview at which his citizenship application was denied. Day 6 AM Tr. 90:19–21 (O’Donnell).

21. The third, a man referred to at trial as “Mr. Ofori,” indicated that he was a citizen when registering because, by all accounts, he had been brought to the U.S. as a young child and had a sincere belief that he was a citizen. There was no evidence presented to prove that he relied on a QVA to prove citizenship, but circumstances suggest it was possible. Day 6 PM Tr. 76:4–11 (O’Donnell); Day 7 PM Tr. 27:14–22 (Tracy); PTX-182 at 7–8.

22. The record does not show that any of the other five non-citizens who are alleged to have registered to vote or voted in New Hampshire used a QVA to prove citizenship. In all cases for which the facts are known, they did not prove citizenship at all, but were allowed to register and vote due to poll worker error, after either telling poll workers that they were not U.S. citizens or showing documents to poll workers that demonstrated that they were not U.S. citizens.

23. Angie Ward was allowed to register despite marking the registration form’s citizenship question “no.” Election officials mistakenly assumed the driver’s license she showed to the officials was proof of citizenship. The State did not prosecute Ms. Ward, concluding that it was “clear” that election officials had erred and “should not have accepted [her] registration in light of [her] representation on the election form.” There is no evidence that she relied on a QVA

to prove citizenship. Day 6 PM Tr. 72:19–73:13 (O’Donnell); Day 7 PM Tr. 26:10—24 (Tracy); PTX-182 at 2–4.

24. Catherine Mazzola marked the registration form’s citizenship question “no,” stated that she was a green card holder, and hand wrote “has a green card” on her application but was incorrectly allowed to register. The State did not prosecute Ms. Mazzola, concluding that election officials had erred and “should not have accepted [her] registration in light of [her] verbal representations as well as [her] responses on the registration form.” There is no evidence that she relied on a QVA to prove citizenship. Day 6 PM Tr. 73:23–75:11 (O’Donnell); Day 7 PM Tr. 26:26–27:13 (Tracy); PTX-182 at 5–6.

25. Adrian Champagne marked the registration form’s citizenship question “no,” and presented officials with his green card, indicating that he was not a citizen. He also marked “no” on a registration form a second time when correcting a misspelling of his name. The State did not prosecute Mr. Champagne because it found that he had been “forthright” and that officials had erred and should not have accepted his registration form as he had clearly indicated that he was not a citizen. There is no evidence that he relied on a QVA to prove citizenship. Day 6 PM Tr. 79:4–80:13 (O’Donnell); Day 7 PM Tr. 42:12–21 (Tracy); PTX-182 at 16–18.

26. Jean Dumont marked “yes” to the citizenship question but then presented a “driver’s license, Social Security number, and [his] green card,” indicating that he was not a citizen. The State did not prosecute Mr. Dumont, concluding that election officials had erred and “clearly should not have accepted [his] registration” after he presented a green card. There is no evidence that he relied on a QVA to prove citizenship. Day 6 PM Tr. 82:22–82:4 (O’Donnell); PTX-182 at 19–21.

27. Finally, a voter referred to at trial as “Mr. Sibanda” registered and voted in Salem and was identified as a non-citizen when he requested a copy of his voting record from town officials for use in immigration proceedings admitted that he had a green card in doing so. The matter was not further investigated because of the statute of limitations, but there is no evidence that he relied on a QVA to prove citizenship when he registered. Day 7 PM Tr. 25:17–26:9 (Tracy); Day 6 PM Tr. 70:21–72:18 (O’Donnell); PTX-182 at 1.

28. More than 8 million ballots were cast across 14 federal elections in New Hampshire from 2016 through 2025. PTX-16 at 12 (calculating that 8,166,963 votes were cast in the period 2016–2025). As a percentage of all ballots cast in the last decade, the number of votes that were found to be cast by non-citizens “would look pretty close to zero.” Day 6 PM Tr. 69:8–14 (O’Donnell).

29. The Secretary acknowledged that the frequency of any sort of unlawful voting in New Hampshire is “minuscule,” and that of those rare instances, non-citizen voting is an even smaller subset. Day 9 Tr. 53:6–12 (Scanlan).

II. HB 1569’s elimination of Qualified Voter Affidavits for citizenship burdens voters by requiring documentary proof of citizenship.

A. HB 1569 requires documentary proof of citizenship.

30. Under HB 1569, a voter registering to vote in New Hampshire for the first time must provide a U.S. birth certificate, a passport, a naturalization certificate, or “other reasonable documentation” of U.S. citizenship. PTX-168 at 4–6.

31. On January 23, 2025, the Secretary issued guidance on HB 1569 in the form of a document answering twenty “frequently asked questions” from local officials. PTX-168. The guidance confirms that, when a voter does not satisfy the proof-of-citizenship requirement, the voter must be turned away and not allowed to vote. PTX-168 at 6. The guidance does not

comprehensively address what constitutes “other reasonable documentation.” *See generally* PTX-168.

32. It is up to any given local election official whether a document satisfies the “other reasonable documentation” standard. Day 8 PM Tr. 11:3–5. (Piecuch).

33. New Hampshire election officials have no consistent understanding of what “other reasonable documentation” of citizenship includes, or even what standard applies to determine what qualifies as “other reasonable documentation.” Day 1 PM Tr. 78:12–79:6 (Shump); Day 2 PM Tr. 57:2–8 (Robert); Day 4 PM Tr. 10:2–10 (Seely); Day 6 PM Tr. 7:9–13 (O’Donnell) (explaining the standard is “open-ended”). Day 6 PM Tr. 95:3–97:2 (O’Donnell) (testifying that he would think things like a “sworn statement from their mother saying that he was definitely born in the United States,” town “annual reports,” a “recording of a voter being sworn in at a naturalization ceremony,” or an “an affidavit from a voter’s father attesting that the voter was adopted and became a citizen via adoption,” but acknowledging that there may be “variation” in views because the decision is “ultimately for the supervisors to make”).

34. The Secretary of State has issued conflicting guidance on what standard applies for determining whether a document constitutes “reasonable proof of citizenship.” Initially, the Secretary’s guidance after HB 1569 took effect stated that the standard was whether the document made it more likely than not that someone was a citizen. PTX-209 at 2; PTX-210 at 2. But the Secretary’s later guidance removed the “more likely than not” language and provided only that the other reasonable documentation must “indicate[] you are a United States citizen.” PTX-211 at 2. Elections Director Piecuch testified that this was a substantive change, but could not explain what standard now applies to determine what constitutes “other reasonable documentation.” Day 8 PM Tr. 10:9–12, 11:25–12:3 (Piecuch).

35. The conflicting guidance potentially affects the acceptance of digital images of citizenship proof documents. The Secretary's initial Q&A guidance, PTX-168, stated that digital images may be acceptable and applies the "more likely than not" standard, and the guidance has not been updated since the Secretary removed the "more likely than not" language from other guidance documents. Day 8 PM Tr. 12:4–18 (Piecuch); PTX-211.

36. Elections Division Director Piecuch testified that she would need to seek legal advice if a local official asked her on election day whether a particular document constituted other reasonable documentation of citizenship. Day 8 PM Tr. 132:9–133:2 (Piecuch).

37. The Secretary's Office has itself issued erroneous guidance about whether particular forms of identification are acceptable proof of citizenship, and it has been slow to correct the errors even once they have been pointed out. In his initial guidance, the Secretary advised—in response to a question from an election official—that Global Entry cards are *not* acceptable proof of citizenship. PTX-168 at 11 ("Is a Global Entry Card proof of United States Citizenship? No. A Global Entry Card is not proof of United States citizenship."). Earlier this year, the Secretary's Office issued an amended interrogatory response stating that Global Entry cards are acceptable proof of citizenship. PTX-014 at 2 ("Election officials may accept these as reasonable documentation of citizenship."); Day 8 AM Tr. 26:17–27:5 (Piecuch). Despite this change in position, the Secretary's Office has yet to update its guidance to local election officials. Day 8 AM Tr. 27:3–5, 148:2–152:3 (Piecuch).

38. If a voter's name on their photo identification does not match their citizenship document or their current voter registration, they must also provide proof of a legal name change, such as a marriage license. PTX-210 at 2; *see also* Day 8 AM Tr. 135:4–13 (Piecuch). This

requirement particularly affects married women who changed their names, and affects women more than men by a 15:1 margin. Day 2 AM Tr. 91:10–16 (Mayer).

39. Name changes are common. In addition to corrections of typographical errors, 48,281 currently registered New Hampshire voters have changed their name substantially since registration. This amounts to roughly 4.94% of all New Hampshire voters. PTX-016 at 9–10.

40. In contrast, in the case of voters with a suffix, such as “junior” or “senior,” the Secretary’s Office has advised that local officials do not need to require additional documentation. In response to a question from a local election official in Derry regarding whether “proof of name change need to be shown” for “a birth certificate says Michael Ryan and the license says Michael Ryan Sr.,” the Secretary’s Office stated,

Prudent supervisors could reasonably conclude that a birth certificate in the name of Michael Ryan and a photo driver’s license in the name of Michael Ryan Sr, where the date of birth shown on both is identical and the applicant asserts both relate to the applicant, are acceptable evidence of the applicant’s place of birth.

PTX-084.

B. Proving citizenship without a Qualified Voter Affidavit burdens New Hampshire voters.

41. Very few New Hampshire eligible voters regularly carry documents proving their citizenship. Survey data shows that only 11.01% of New Hampshire eligible voters who possess a passport and only 7.01% of New Hampshire eligible voters who possess a birth certificate carry those documents with them regularly. Day 5 AM Tr. 93:12–19 (Herron); PTX-015 at 113.

42. In contrast, 92.78% of eligible New Hampshire voters regularly carry a driver’s license with them. PTX-015 at 58. This demonstrates that the requirement to prove citizenship imposes a substantially greater burden than the requirement to prove identity using photo identification.

43. Local election officials agree that new voter registrants often do not bring proof of citizenship documents with them. Ann Shump, who has served for 20 years as a supervisor of the checklist in Durham, estimated that only 10 to 15% of voters who come to register in Durham have historically brought a birth certificate with them, Day 1 PM Tr. 75:13–20 (Shump), and that approximately 30% have brought a passport. Day 1 PM Tr. 76:23–77:4 (Shump). “50 percent of the time, 60, 70 percent of the time that they, and not just students but people who registered same day, would have to fill out a QVA for citizenship.” Day 1 PM Tr. 63:4–7 (Shump).

44. Katie Robert, a supervisor of the checklist in Concord, agreed that it was especially common for registrants to use a QVA to prove their citizenship, and that “[m]ore often than not, by [her] recollection, it was pure logistics. They did not have access to their birth certificate.” Day 2 PM Tr. 52:18–20 (Robert).

45. Julie Seeley, a supervisor of the checklist in Bethlehem, explained that a “huge number of people simply don’t have their proof of citizenship with” them when they come to register to vote. Day 4 AM Tr. 113:5–6 (Seely).

46. Young voters, and people who work with young voters, agreed that most people, including young people, do not carry a birth certificate or passport with them. Day 3 AM Tr. 57:10–14 (Cassin). At voter registration events focused on students after HB 1569 took effect, more voters have sometimes been turned away for lack of documentation than have been able to register. Day 3 AM Tr. 60:2–8 (Cassin). Those would-be registrants did not come back. Day 3 AM Tr. 60:18–20 (Cassin).

47. A person who only learns or remembers the need to provide documentary proof of citizenship when they arrive to vote late on election day may not have the time or ability to retrieve their proof of citizenship and return in time to cast a vote due to travel times, childcare constraints,

or work obligations. Day 5 AM Tr. 94:18–95:21 (Herron). There is no “day after” election day on which an eligible voter can register and still vote and so an eligible voter who cannot furnish documentary proof of citizenship when asked on election day may be disenfranchised. Day 5 AM 81:12–19 (Herron); PTX-015 at 39; PTX-016 at 4.

48. Secretary Scanlan agrees that HB 1569 imposes a burden on “voters that show up on election day that do not have the documentation that they need to register to vote.” Day 9 Tr. 33:22–34:4 (Scanlan). This may happen even to voters who possess the documentation but do not have it with them. The Secretary himself does not yet have a REAL ID because every time he has gone to get one he has forgotten to bring a document he needs. Day 9 Tr. 73:20–25 (Scanlan).

49. For many New Hampshire voters, the burden is even greater because they do not have ready access to documents proving their citizenship. Even of those eligible New Hampshire voters who do possess some form of documentary proof of citizenship, between 89,934 and 153,213 cannot retrieve their documents within one day because, for example, they are a student and their documentation is stored in their parent’s home. Day 5 AM Tr. 89:20–25 (Herron); PTX-015 at 63 tbl. 10; Day 2 AM Tr. 96:23–97:3 (Mayer).

50. Many students domiciled in New Hampshire leave their birth certificates and other proof of citizenship at their family home, rather than bringing them with them to school. Day 3 AM 15:24–16:10 (Montagano); Day 3 AM Tr. 31:12–15 (Sumner); Day 1 PM Tr. 64:25–65:2 (Shump). Some young voters’ parents keep their proof of citizenship documents for them, such as in a safe to which the young voter does not have access. Day 3 AM Tr. 31:12–15 (Sumner). Other voters keep their proof of citizenship documents somewhere like a safe deposit box that can be inconvenient to access. Day 7 PM Tr. 69:5–7 (Tracy).

51. Many voters, including many students, lack access to transportation options to be able to retrieve their documentary proof of citizenship. Day 3 AM Tr. 14:24–15:5 (Montagano); Day 3 AM 36:25–37:1 (Sumner); Day 1 PM Tr. 57:6–9 (Shump).

52. Kara Montagano, a Youth Movement member who registered to vote on the day of the November 2024 election while in college, relied on a QVA to register. Day 3 AM Tr. 13:12–16 (Montagano). She was a student at Keene State College and went to vote in Keene, where she lived. Day 3 AM Tr. 9:4–11:13 (Montagano). She does not own, and has never owned, a passport. Day 3 AM Tr. 12:20–13:2 (Montagano). Her birth certificate is kept with her parents in Lee, which is a two-hour drive from Keene. Day 3 AM Tr. 13:4–11 (Montagano).

53. Tess Sumner, a Youth Movement member who registered to vote on the day of the March 2025 municipal election while in high school, was nearly disenfranchised by HB 1569. Day 3 AM Tr. 29:4–35:1 (Sumner). Ms. Sumner had a full day of high school class, followed by a work shift that ended at 5:45 p.m.. Day 3 AM Tr. 29:23–30:7 (Sumner). She learned of the proof-of-citizenship requirement after she arrived to her work shift and checked the Danbury town hall website. Day 3 AM Tr. 30:11–25 (Sumner). Ms. Sumner did not bring her passport or birth certificate with her to school or work. Day 3 AM Tr. 31:1–4 (Sumner). Both were kept in a safe in her mother's bedroom at home, and only her mother knew the code to access the safe. Day 3 AM Tr. 31:12–21 (Sumner). Upon finishing her shift at 5:45 p.m., rather than going directly to her polling location to vote, Ms. Sumner took a detour home to get her passport from her mother, who fortunately was home at 6:00 p.m.. Day 3 AM Tr. 32:6–22 (Sumner). If Ms. Sumner's mother had not been home at the time, she would have been unable to vote. Day 3 AM Tr. 34:21–35:1 (Sumner). Ms. Sumner paid for her own gas for the detour. Day 3 AM Tr. 33:3–7.

54. Ms. Sumner was fortunate because she learned of the proof-of-citizenship requirement before she drove to the polling place. If Ms. Sumner had arrived at her polling location without documentary proof of citizenship, she might not have had sufficient time to go home, get her proof of citizenship, and return before the polls closed. Day 3 AM Tr. 35:2–16 (Sumner).

55. The possibility of using a photograph of proof of citizenship does not resolve this problem. Many voters do not have photographs of their proof of citizenship with them, and family members may be unavailable to send photographs while the voters are at the polling place, or unwilling to do so. Day 3 AM 35:24–36:8 (Sumner) (Sumner’s mother “doesn’t believe that texting is a safe form of communication, especially for something like a passport” or a birth certificate); Day 1 PM Tr. 82:12–15 (Shump) (“I asked [the high school student] if he -- if there was anybody at home who could possibly pull out his birth certificate or his passport and take a picture of it and send it to him, and he said no.”).

56. Other New Hampshire voters have misplaced their proof of citizenship documents—they believe they have them but do not know where they are. Of those eligible New Hampshire voters who do possess some form of documentary proof of citizenship, an estimated 17,967 to 53,826 could not retrieve it even if allowed multiple days to do so because, for example, it has been misplaced. Day 5 AM Tr. 90:20–91:7 (Herron); PTX-015 at 63 tbl. 10; Day 2 AM Tr. 95:2–97:3 (Mayer).

57. The Secretary agreed that people “sometimes lose their passports,” Day 9 Tr. 36:14–15 (Scanlan), and acknowledged that he recently lost his own passport card on a trip to Washington, D.C. Day 9 Tr. 36:16–18 (Scanlan). Julie Seely testified knows from her experience as a supervisor of the checklist that it is “fairly common” that voters “didn’t know where their birth certificates were.” Day 4 AM Tr. 119:15–120:1 (Seely). Director of Vital Records Kristin Martino

knows based on her experience in local and state government that individuals “often lose or misplace their vital records.” Day 7 PM Tr. 133:12–15 (Martino).

58. Other New Hampshire voters do not have adequate proof of citizenship documents at all. Survey data shows that approximately 38% of U.S.-born eligible New Hampshire voters do not possess a passport and approximately 1% of U.S.-born eligible New Hampshire voters do not possess a birth certificate. Day 5 AM Tr. 86:2–4 (Herron); PTX-015 at 55. Another 2% of New Hampshire voters have a birth certificate that does not match their current name, but they do not have a marriage license that could prove their name change. Day 5 AM Tr. 86:23–87:18 (Herron); PTX-015 at 61.

59. In all, considering the margin of error, between 5,433 and 31,291 eligible New Hampshire voters do not possess acceptable proof of citizenship documents at all. Day 5 AM Tr. 89:21–90:4 (Herron); PTX-015 at 63. This is a conservative estimate that assumes voters who do not know whether they possess acceptable documents in fact possess them. A less conservative estimate—one that assumes people who report that they “don’t know” whether they have proof of citizenship in fact *do not*—puts the number of New Hampshire citizens who lack any form of documentary proof of citizenship as high as 59,583. Day 5 AM Tr. 89:21–91:13 (Herron); PTX-015 at 114.

60. The Secretary of State agrees “[t]here are some voters in New Hampshire that don’t have the documentation they might need to register to vote for the first time.” Day 9 Tr. 32:20–22 (Scanlan). Investigator Tracy testified, based on his experience, that he is aware that “[c]itizenship documents can be lost over the years,” such as “when someone moves from one home to another.” Day 7 PM Tr. 69:14–19 (Tracy).

61. Passports are expensive. It costs at least \$165 to obtain a passport. PTX-015 at 70. Many voters do not own passports for that reason. Day 3 AM Tr. 16:11–19 (Montagano). Ms. Seely testified that in her role as a supervisor of the checklist prior to HB 1569 she would “hear comments about the cost of passports.” Day 4 AM Tr. 119:15–20 (Seely). Passports also take a long time to obtain, as much as six weeks. Day 7 PM Tr. 70:10–12 (Tracy).

62. Birth certificates also often cost money to obtain. The fee to obtain a normal New Hampshire vital record is \$15, although it is possible to obtain a free one for voter registration purposes. Day 7 PM Tr. 129:3–4 (Martino). Other states charge different, often higher, fees, and do not offer a free option. Day 7 PM Tr. 131:18–23 (Martino). It can also take significant time to obtain a record from out-of-state. Day 7 PM Tr. 70:7–9 (Tracy); Day 7 PM Tr. 131:15–17 (Martino).

63. A voter must obtain a birth certificate from the state in which they were born; New Hampshire does not have access to birth certificates for voters born in other states. Day 7 PM 70:1–6 (Tracy). The same is true for other records: New Hampshire residents who need a birth certificate, marriage certificate or license, or a divorce decree would need to contact the state where the record was created to obtain the record. Day 7 PM Tr. 127:17–128:3 (Martino).

64. Investigator Tracy has received complaints from election officials regarding citizens who have had difficulty getting their birth certificates. Day 7 PM Tr. 75:3–8 (Tracy).

65. If someone was born in one state, married in another state, and divorced in a third state, they might need to go to three different states to get a complete set of records to prove citizenship in their current name. Day 7 PM Tr. 128:4–8 (Martino). A voter who gets married and changes their name multiple times may need multiple marriage certificates to show the necessary link between their legal name and citizenship document. Day 8 PM Tr. 45:21–46:2 (Piecuch).

66. The recent deadline for adopting REAL ID illustrates that many New Hampshire residents lacked existing copies of vital records. The Vital Records Division of the Department of State experienced an “uptick” in applications for vital records in advance of the deadline for REAL ID adoption, indicating that “some people simply didn’t have or have lost [a] qualifying [citizenship] document.” Day 7 PM Tr. 133:23–134:1 (Martino).

67. Finally, for some eligible voters, the records required to prove citizenship simply do not exist. Day 2 AM Tr. 94:1–17 (Mayer). Among those who may not have a birth certificate are those who were born outside of a hospital and poor and minority citizens born in the south from the 1930s through the 1970s, when—according to academic literature—recordkeeping was less formal. Day 2 AM Tr. 94:1–17 (Mayer). If required to furnish a document proving their citizenship, these voters will be unable to register or vote—no matter how much time and effort they put in. Day 5 AM Tr. 78:16–79:11 (Herron); Day 2 PM Tr. 100:13–20 (Mayer).

68. HB 1569 also increases the danger of disenfranchisement due to election-worker error. After HB 1569, voters have been asked or required to provide proof of citizenship even though they are already registered in New Hampshire and should have been exempt. Day 4 AM Tr. 8:6–9, 10:16–25, 12:9–14 (Bogdan); Day 3 PM Tr. 38:8–50:15 (Blanchette). When this happened before HB 1569, voters in that situation were able to sign QVAs instead. Day 3 AM Tr. 12:11–13:16 (Montagano).

69. Similarly, after HB 1569, naturalized citizen voters have been wrongly turned away from registering for lacking naturalization certificates, even after offering other, acceptable proof of U.S. citizenship. Day 1 AM Tr. 55:5–57:14, 60:10–20 (Kim). Before HB 1569, the damage from such an error was limited by the fact that such voters could sign a QVA in that circumstance and still register and vote. Day 7 PM Tr. 79:23–80:15 (Tracy).

70. HB 1569 also increases the danger of confrontations between would-be voters and election officials. In an election immediately prior to HB 1569 taking effect one eligible Bethlehem voter became “irate” when told that their military ID and social security card, both of which the voter had brought, were insufficient evidence of citizenship. Day 4 PM Tr. 16:21–18:25 (Seely). A long-time Durham election official similarly expressed concern that there “could be a lot of arguments” now that voters will not be able to sign a QVA and will instead be turned away. Day 1 PM Tr. 71:18–72:4 (Shump).

71. New Hampshire elections depend on volunteers to function, and long-time election officials expressed concerns that “that if our volunteers found out that it might be their job to turn somebody away, they -- we might have fewer volunteers.” Day 1 PM Tr. 72:12–15 (Shump).

C. Elections after HB 1569 took effect confirm the severity of the burdens it imposes.

72. The first elections conducted under HB 1569 were the March 2025 municipal elections. PTX-005 at 1.

73. The Secretary’s Office and the Attorney General’s Office did not attempt to track the effect of HB 1569 in the 2025 municipal elections. Day 9 Tr. 37:7–10 (Scanlan); Day 7 PM Tr. 67:10–17 (Tracy). They did not track the number of voters turned away, the number of people who never returned, or the number of people discouraged from registering and voting because of the new requirements. Day 9 Tr. 37:7–10, 38:2–3 (Scanlan).

74. Unlike in state and federal elections, the Attorney General’s Office does not attempt to send inspectors to every polling location in municipal elections. In March 2025, inspectors visited just 8 to 9 polling locations out of 313 across the state, each for only part of the day, and they were primarily focused on other issues, not on monitoring the effects of HB 1569. Day 7 PM Tr. 5:23–7:18, 66:2–18 (Tracy).

75. The New Hampshire Campaign for Voting Rights (“NHCVR”), a nonpartisan organization, monitored HB 1569’s impact on the March 2025 municipal elections by recruiting observers for as many polling places as possible. Day 3 AM Tr. 77:6–78:10 (Chouinard). NHCVR was able to recruit observers for 20 polling places, out of more than 100 towns in which elections were held in March 2025, although the number of hours that were covered varied by polling place. Day 3 AM Tr. 88:12–17 (Chouinard).

76. Despite the limited coverage, NHCVR tracked at least forty-nine voters turned away at the March 2025 elections specifically because they lacked documentary proof of citizenship, and an additional fifty-five voters turned away at the March 2025 elections for reasons that NHCVR was unable to confirm. Day 3 AM Tr. 139:7–14 (Chouinard); PTX-004 at 2. NHCVR was also unable to confirm how many of these turned-away voters were able to return later and vote. Day 3 AM Tr. 140:14–141:3 (Chouinard).

77. NHCVR also sought to track voters turned away at the May 2025 town elections, where at least seven voters were turned away, and the November 2025 city elections, at which at least ninety voters were turned away. Day 3 AM Tr. 150:2–6 (Chouinard); Day 3 AM Tr. 151:1–4 (Chouinard); PTX-005 at 1, 3.

78. These are all likely undercounts, because NHCVR was unable to monitor every polling location, and it was not present at the polling locations it did monitor for the entire time they were open. Day 3 AM Tr. 152:6–16 (Chouinard); PTX-004 at 2.

79. Local election officials and observers confirmed through personal observation that would-be voters were turned away during the 2025 municipal elections because of HB 1569. In Durham, of the six voters who sought to register on the day of the March 2025 municipal election, only two brought documentary proof of citizenship with them. Day 1 PM Tr. 80:20–22 (Shump).

Another two were able to register, after a delay, because election workers were able to confirm their prior registration elsewhere in New Hampshire. Day 1 PM Tr. 81:5–18 (Shump). One more was able to leave, retrieve their birth certificate, and return before the polls closed. Day 1 PM Tr. 81:21–23 (Shump). But one voter—a high school student on a field trip with his class to observe the election—was turned away for lacking a document proving his citizenship, in front of his whole class, and never returned to vote. Day 1 PM Tr. 81:24–83:3 (Shump).

80. In the April town meeting in Conway, Olivia Zink personally observed four individuals turned away for lacking documentary proof of citizenship, only two of whom ultimately returned. Day 1 Zink Tr. 42:6–46:9 (Zink). In the March town elections in Andover, she also observed six Colby Sawyer students who were turned away and ultimately not able to register to vote. Day 1 Zink Tr. 46:20–24 (Zink). And she observed one voter who, after failing to confirm their past registration status after fifteen minutes, said they would “try to come back after work.” Ms. Zink stayed at the polling location the entire day observing, and the voter never returned. Day 1 Zink Tr. 50:7–9 (Zink).

81. During Bethlehem’s March 2025 town meeting, Bethlehem officials were approached by a voter wanting to register. When told that registrants must provide proof of citizenship, he stated that he did not have it with him and stated that he would search for it and return to register. The voter did not return that day. Day 4 PM Tr. 24:10–26:4 (Seely).

82. In Concord during the November 2025 election, election officials turned away a recently divorced woman who had changed her name back to her maiden name, and “the voter rolls still had her married name.” Day 2 PM Tr. 62:8–20 (Robert). The election officials asked the voter if she had any documents including “electronic on her phone that she could pull up that would have showed that that divorce was final, and the name was changing.” Day 2 PM Tr. 62:24–

63:2 (Robert). The voter was unable to produce any such documents and was turned away. Day 2 AM Tr. 63:3–19 (Robert). The voter was encouraged to return to the polling location if she could find the paperwork, but she did not return. Day 2 AM Tr. 63:4–19 (Robert).

83. NHCVR also tracked some particular voters who were unable to vote as a result of the proof-of-citizenship requirement. One voter in the March 2025 elections, a mother who arrived to her polling location with her two young children after finishing work, did not bring documentary proof of citizenship. She did not know where her birth certificate was. She was also made aware that she would need to bring her marriage license because her name was different than what was on her ID. She was turned away and did not return to vote. Day 3 AM Tr. 159:15–160:6 (Chouinard).

84. NHCVR tracked several instances of first-time voters, 18-year-olds, who did not bring their birth certificate with them. They reported to election officials that they “were excited about engaging in their right to vote for the first time” but were ultimately turned away because they did not have documentary proof of citizenship. Day 3 AM Tr. 165:12–166:9 (Chouinard). Another voter, Earl Rinker III, an 89-year-old man who moved to a different ward in Manchester and attempted to vote in the September 2025 primary, was initially turned away because he did not bring proof of domicile. He went home and returned to the polling location with his proof of domicile, but was then told he also needed documents to prove his citizenship. The voter explained that he was a former ward clerk in Manchester, a former executive councilor in Manchester, and had been voting in New Hampshire for over 70 years. The voter was turned away again. Day 3 AM Tr. 166:13–167:14 (Chouinard) (“[T]hat example was -- stood out to me because, once again, these are – that’s a civically educated, a civically engaged former election official not being aware of the new law and being turned away.”); Day 3 PM 28:10–15 (Chouinard); Day 6 PM Tr. 9:3–23

(O'Donnell) (testifying that the voter “spoke with both me and Investigator Tracy” and that “unfortunately, he was not able or not willing to go back to the polls that day.”).

85. NHCVR also tracked four individuals, all women, who during the March 2025 election were turned away because they did not have name change documentation to prove their citizenship. Day 3 AM Tr. 138:18–22 (Chouinard); PTX-004 at 2.

86. The Secretary’s Office was aware of press reports about voters like these being turned away and did not investigate them. Day 8 PM Tr. 4:16–5:7 (Piecuch). In a video interview with Votebeat, the Secretary, after noting that illegal voting does not occur on a “large scale” in New Hampshire and that efforts to “tighten up voter qualification issues” are “reacting to perceptions,” Day 9 Tr. 69:14–24 (Scanlan); PTX-104A, the Secretary said,

I was not surprised by any of the voting activity on the day of the election with that law. Again, these are local elections in New Hampshire, they’re usually low turnout affairs. The people that are voting are generally not registering on the day of the election, they’ve been voting for some time. But there, of the voters who showed up to register, there was a small percentage that did not have the documentation that they needed. They were sent home to go retrieve it and bring it back. Most of those individuals did do that, but there were some that just left and never came back.

Day 9 Tr. 70:17–71:3 (Scanlan); PTX-104B. “[T]he big hole in this whole process is finding those individuals that can fall through the cracks.” PTX-104B.

87. Municipal elections have much lower turnout than state and federal elections, and fewer new voters seeking to register. Day 7 AM Tr. 74:24–75:3 (Tracy). For example, in Durham, 6 new voters sought to register in the March 2025 municipal election, whereas about 2,500 new voters registered in the November 2024 federal election, around 1,000 of whom used a QVA. Day 1 PM Tr 61:16–19 (Shump); Day 5 AM Tr. 82:3–8 (Herron).

88. The new voters seeking to register in municipal elections tend to be more highly motivated, highly informed voters, who are more likely to understand and better able to navigate

the voter registration requirements. Day 3 AM Tr. 96:1–3, 96:6–10 (Chouinard) (testifying that municipal elections draw the “most civically engaged and civically educated voters”); Day 2 PM Tr. 52:4–8, 59:3–18 (Robert) (testifying voters in municipal elections are “very invested in participating in elections” and “very active in paying attention” to local offices); Day 4 PM Tr. 21:23–25 (Seely) (testifying that town meeting voters are “very engaged”).

89. Secretary Scanlan expects that more people will seek to register to vote in the November 2026 state and federal elections, and that a larger proportion of those new registrants will show up at their polling places without documents to prove their citizenship. Day 9 Tr. 38:16–39:4 (Scanlan). Investigator Tracy agrees there are “usually more issues on election day” in state and federal elections. Day 7 AM Tr. 74:24–75:3 (Tracy).

90. Voters have also been turned away from registering outside of election day registration since HB 1569 took effect. In October 2025, election officials in Bethlehem rejected three registration applications from three voters who “were women who used birth certificates with their maiden names.” Day 4 PM Tr. 28:12–19 (Seely).

III. HB 464 does not resolve the problems caused by HB 1569.

91. On February 1, 2026, HB 464 took effect, adding a process by which local election officials may be able to verify certain voter registrants’ citizenship using information from certain state databases held by the Division of Vital Records or the Department of Safety. PTX-003 at 4; PTX-154 at 1.¹

92. HB 464 also exempts registrants with “proof that the applicant was previously or is currently registered to vote in a different town or ward in New Hampshire” from having to provide proof of citizenship. PTX-003 at 2. The statute previously provided that an applicant could be

¹ Certain provisions of HB 464 became effective prior to February 1, but the provision authorizing use of State databases and thus most relevant here became effective on that date. PTX-003 at 4.

registered if the election official “confirm[ed]” through SVRS that the voter was “currently registered to vote in New Hampshire.” PTX-003 at 2.

93. In guidance issued to local election officials on January 5, 2026, the Secretary stated that, under the new process authorized by HB 464, “[t]he Statewide Voter Registration System (SVRS) can now be used to verify certain citizenship, age, name change, and death information for voter registration,” and provided an “overview” of how a new “search” process is intended to function. DTX-UU at 1; *see* DTX-VV.

94. To run a search under this new system, the local election official must require the voter to execute, in addition to the voter registration form, an “Application for Confidential Verification of a New Hampshire Vital Record.” PTX-176; DTX-VV at 1. The form requires voters to supply various categories of “highly sensitive” information, including their name as it appears on the record being searched, town/city of birth, parent names, spouse names, date of marriage and town/city of marriage. PTX-176; DTX-UU at 2.

95. To complete the search, the local election official must then use their login credentials to access the SVRS search portal and enter the voter’s information in a series of search fields corresponding to the Application form. PTX-176, DTX-VV at 1. “[I]f the entered search criteria does not match what is listed in the Vital Records or the DMV Records data exactly, or the record has not been provided or could be incomplete by the applicable department, [the local official] may receive a warning message that states, ‘No Records matching the entered search criteria found.’” DTX-VV at 2.

96. The voter must be “in front” of the local election official who conducts the search at the polling place. DTX-VV at 1, 4, 7, 10, 13, 16, 19, 22 (“Before ANY search can be completed within the Vital Records or DMV inquiries, **the voter shall be present in front of you with a**

completed Application for Confidential Verification of a New Hampshire Vital Record or DMV Records Form . . . AND photo identification.”); see also Day 9 Tr. 73:5–20 (Scanlan).

The Secretary’s guidance also states repeatedly in bolded red font: “**Should you perform searches without the voter present or a completed form, your SVRS credentials could be suspended or revoked, and you could be subject to criminal penalties.**” DTX-VV at 1, 4, 7, 10, 13, 16, 19, 22.

A. There are substantial gaps in the records HB 464 makes available to confirm citizenship.

97. The Secretary of State’s official guidance on HB 464 states,

It is important to note that this process is not guaranteed to prove a person’s citizenship in all cases. It may confirm citizenship for registrants: (i) who were previously registered to vote in New Hampshire; (ii) who were born in New Hampshire; (iii) who previously provided proof of citizenship when obtaining a New Hampshire driver’s license; or (iv) whose name change is reflected in a New Hampshire vital record or DMV record.

DFX-TT at 2.

98. The Secretary of State’s official guidance also states: “The SVRS will not be able to prove the citizenship of other registrants, who will need to provide documentary proof of citizenship when registering to vote.” DFX-TT at 2. “It is possible that vital records or DMV information may be incomplete or absent. In such cases, individuals must prove their qualification (citizenship, domicile, name change, etc.) with documentation.” DFX-TT at 2.

99. HB 464 will not help new registrants for whom proof of citizenship does not appear in the databases that HB 464 can search. Day 7 PM 128:14–17, 131:11–14 (Martino); Day 8 PM 29:8–32:12 (Piecuch).

i. Vital Records

100. The New Hampshire Vital Records data that is searchable under HB 464 includes only New Hampshire vital records. It does not include birth certificates for births in other states,

marriage records for marriages in other states, or divorce records for divorces in other states. Day 8 PM Tr. 30:21–24 (Piecuch); Day 7 PM Tr. 113:2–4, 127:12–16 (Martino).

101. About 60% of New Hampshire residents were not born in New Hampshire and will not have their birth certificate searchable in SVRS. Day 2 AM Tr. 122:25–123:4 (Mayer); Day 7 PM Tr. 129:20–131:9 (Martino). Election officials have registered voters born outside of New Hampshire many times. Day 4 PM Tr. 38:14–16 (Seely). Director Martino acknowledged that some New Hampshire residents get married or divorced outside of the state. Day 7 PM Tr. 132:18–23 (Martino).

102. There are gaps even in the New Hampshire Vital Records data that is searchable under HB 464. No birth certificates from before 1935 are available for searching in SVRS except for “some outliers” that may have been entered at some point. Day 7 PM Tr. 152:23–153:1 (Martino). Some additional birth certificates from 1949 to 1950 also will not show up in an SVRS search. Day 7 PM Tr. 153:5 (Martino). All “delayed” birth certificates will not show up in an SVRS search because there is a different process for those certificates. Day 7 PM Tr. 153:11–13 (Martino).

103. Name change records, even for New Hampshire name changes, also have gaps. Marriage records before 1960 are not included in the SVRS search. Day 7 PM Tr. 151:10–14 (Martino). Marriage records up to 2015 only reflect the names of the couple before marriage and searches for current names will not be successful. Day 7 PM Tr. 151:15–24 (Martino). Divorce records before 1979 and within the last six months will not show up in an SVRS search. Day 7 PM Tr. 152:12–14 (Martino). People in New Hampshire can also obtain name changes in probate and family court, and those changes will not generally be reflected in an SVRS search. Day 7 PM Tr. 152:4–11 (Martino).

104. These gaps would prevent the new SVRS search from potentially helping substantial numbers of voters. Two of three women whose registrations were rejected during an October 8 registration meeting due to a mismatched name on their proof of citizenship were born and married in Massachusetts, so the name-change records needed to register them would not have been available in SVRS even under HB 464. Day 4 PM Tr. 29:18–30:2, 39:24–40:4 (Seely). And they were not previously registered in New Hampshire, so they could not rely on registration records to provide the necessary proof of citizenship. Day 4 PM Tr. 31:3–5 (Seely).

105. Before the adoption of HB 464, Vital Records Director Martino “expressed concern to others in the Secretary’s Office that the various inconsistencies [in vital records] could cause people to fail to show up in SVRS.” Day 7 PM Tr. 153:18–22 (Martino).

ii. DMV

106. The DMV records that are searchable under HB 464 include only New Hampshire drivers licenses and non-driver identification cards. They do not include out-of-state drivers’ licenses or non-driver identification cards. Day 8 PM Tr. 32:10–12 (Piecuch); PTX-287.

107. Many new voter registrants still have out-of-state licenses. Day 4 PM Tr. 39:5–7 (Seely); Day 2 AM Tr. 72:2–10 (Kasten). In fact, state records show that more than 43,000 active New Hampshire voters used an out-of-state license or identification card to register. PTX-287; Day 8 PM Tr. 32:13–15 (Piecuch). Another 118,000 active New Hampshire voters do not have a New Hampshire driver’s license or identification card number associated with their registration, suggesting that they may lack such identification. *See* PTX-287.

108. The source and accuracy of the DMV citizenship data available under HB 464 is unclear. The Secretary’s Office has not conducted an investigation into the accuracy or completeness of the citizenship information from DMV. Day 9 Tr. 50:5–12 (Scanlan).

109. SVRS does not disclose what kind of citizenship proof, if any, an individual who appears in DMV's data as a U.S. citizen showed at the DMV. Day 8 PM Tr. 34:9–12 (Piecuch). It reports only a text string: U.S. CITIZEN, PERMANENT RESIDENT, OR TEMPORARY RESIDENT. Day 8 PM Tr. 34:13–21 (Piecuch).

110. The DMV database will not accurately report the citizenship status of naturalized citizens who applied for a license before they became a citizen unless they first update their status with the DMV. *See* PTX-145A (“We recognize that many circumstances, including naturalization subsequent to applying for a license, will explain why a discrepancy exists between the records.”). The Secretary's guidance states that when a registrant is in one of the latter two categories, the registrant “is **not** a US citizen and **cannot** register to vote,” before later qualifying that statement in smaller text on a different page, acknowledging that “voter applicant could have received citizenship after they received their identification which may result in the DMV not being updated at the time of the applicant registering to vote.” DTX-VV at 22, 24.

111. The Secretary's correspondence with the DMV suggests that the citizenship information in the DMV's database has not been confirmed by the agency. In an April 25, 2025 letter to DMV Director John Morasco, the Secretary requested information “showing how the licensee reported their United States Citizenship status when obtaining a license or non-driver ID from your office,” and in doing so stated that he “underst[oo]d that this is only a record of what the applicant self-reported. The data point is as provided by the applicant, it has not been vetted nor verified for purposes of determining United States citizenship.” PTX-145A; Day 8 PM Tr. 38:24–39:10 (Piecuch).

112. There is no evidence in the record regarding the accuracy or completeness of the DMV's citizenship data as provided via SVRS.

B. There are substantial problems with the processes HB 464 uses to confirm citizenship.

i. Unclear Scope

113. Registrants will not know in advance whether their citizenship can be proved using an SVRS search, so they may mistakenly believe that SVRS can confirm their citizenship only to discover that it cannot. For example, a registrant might not know that their birth certificate was “delayed” so as to not be in the SVRS system. Day 7 PM Tr. 153:14–19 (Martino). Or, they might wrongly believe that the SVRS search could access out-of-state records, similar to how residents sometimes expect the Vital Records Division to be able to provide out-of-state records that must instead be requested from other states. Day 7 PM Tr. 126:25–127:7 (Martino).

ii. Limited Accounts, Technology, and Internet Access

114. Only relatively small numbers of election officials are able to access SVRS to run searches under HB 464, and some polling places have no officials at all with SVRS access on election day. Day 2 PM Tr. 71:10–72:8 (Robert); Day 3 AM Tr. 144:8–14 (Chouinard); Day 1 PM 86:20–24 (Shump). In Concord, no one in the ten ward polling places has access to SVRS on election day. Day 2 PM Tr. 71:10–72:8 (Robert). Nashua has only six officials with SVRS access, but nine polling places. Day 3 AM Tr. 144:8–14 (Chouinard). Durham has seventy-five volunteers working at more than a dozen voter registration stations on election day, but only three officials with SVRS access at the polling place to assist with voter registration. Day 1 PM 60:1–61:9, 86:20–24 (Shump). Some supervisors choose not to use SVRS at all. Day 8 AM Tr. 46:8–14 (Piecuch). Moderators generally are not authorized to access SVRS. Day 8 PM Tr. 76:6–7 (Piecuch).

115. The election officials with SVRS access juggle many priorities on election day and are not available to run searches on SVRS all day. Day 1 PM 87:21–88:14 (Shump).

116. Local election officials are strictly prohibited from sharing their credentials with others, on pain of suspension and criminal penalties. Day 9 Tr. 43:7–23 (Scanlan).

117. Not all election officials have laptops to use to access SVRS, whether personal or town-provided. Day 1 PM Tr. 77:9–16, 86:13–17 (Shump). The Secretary’s Office has not provided new technology for local elections officials to use and is unaware of whether municipalities provide them. Day 8 PM Tr. 77:10–16 (Piecuch). And while there was conflicting testimony about the use of personal devices, Chief Investigator Tracy would not use his personal laptop to access SVRS and does not believe it is appropriate for local election officials to do so. Day 7 PM Tr. 78:3–8 (Tracy). Local election also officials testified that they do not know how they will make the system work. Day 1 PM Tr. 86:25–87:24 (Shump); Day 4 PM Tr. 35:16–25, 46:10–13 (Seely).

118. Many polling places also do not have access to reliable internet. *See* Day 1 AM Tr. 89:14–25 (Shump). The Secretary of State addressed this issue in his initial guidance on HB 1569, which included as one of the “Frequently Asked Questions,” “We often have difficulty with wireless connectivity at our polling place. Without having access to SVRS we may be unable to establish whether someone was previously registered in New Hampshire, and therefore not required to prove citizenship, what should we do?” PTX-168 at 12. The answer provided was, “If you do not have access to the Statewide Voter Registration System and have no way of verifying the voter's registration status, the voter will need to provide you with proof of citizenship.” PTX-168 at 12. This question was included in the guidance because the Secretary’s Office knew that some polling places had difficulty with wireless internet connectivity. Day 8 PM 13:8–11 (Piecuch).

119. A June 2025 survey of polling places conducted by the Secretary's Office concluded that 84.18% of polling places have internet, 10.75% do not have internet, and around 5% are not sure. Day 8 PM Tr. 22:6–12 (Piecuch); PTX-076. The survey also found that 75% of polling places have good cellular access, around 15% do not, and around 7.5% are not sure. Day 8 PM 22:13–22 (Piecuch); PTX-076. And the survey found that 29% of those polling places without a landline or good cellular service also do not have internet. Day 8 PM Tr. 23:11–14 (Piecuch); PTX-076. At least 4 polling places have no telephone *or* internet access. PTX-076. The purpose of this survey was to identify which specific polling places do not have the ability to access SVRS on election day to perform the searches authorized by HB 464. Day 8 PM Tr. 85:5–12 (Piecuch).

120. Investigator Tracy is aware that some polling places in the state do not have access to SVRS, and some that do not appear to have any phone access. Day 7 PM Tr. 76:12–15, 77:17–24 (Tracy). When Investigator Tracy investigated a problem in Milton in 2007, he was told by an official at the polling place that he may be able to “get cell service if [he] went outside and stood near a telephone pole.” Day 7 PM Tr. 76:23–77:9 (Tracy). He would “not be surprised” if the polling places in the outer parts of the state “don't have cell service,” either. Day 7 PM Tr. 77:1–9 (Tracy).

121. The possibility of phone calls to the State will not alleviate these issues, even if permitted. The State offices responsible for fielding inquiries from election officials are not sufficiently staffed to handle the expected volume of inquiries. There are five individuals in the Secretary's Office trained to conduct statewide SVRS searches, and three in the Attorney General's Office. Day 8 AM Tr. 45:16–23, 79:23–80:3 (Piecuch). The Secretary's Office has acknowledged that there will be “issues to troubleshoot” when SVRS searches are being conducted

on election day, even when the election officials have all the information they need from voters to conduct a search. Day 7 PM Tr. 157:16–19 (Martino). But the plan for HB 464 does not include adding additional staff for this purpose. Day 7 PM Tr. 158:18–24 (Martino). The Secretary, accordingly, conceded that if his office were to receive “thousands of calls on election day to help confirm voter citizenship using searches,” his office “would be swamped.” Day 9 Tr. 73:1–4 (Scanlan). Yet such an increase in inquiries is made all the more likely because local election officials are not trained and do not know how to use the system, even having reviewed the Secretary’s recent guidance. *See* Day 4 PM Tr. 35:18–22 (Seely) (“So we’ve not gotten to practice. We’ve not gotten to look at [real searches]. I mean, we’re terrified to touch it.”).

iii. False Negatives Due to Data Errors

122. There are also data entry and other errors in the vital records that are searchable in SVRS that may cause a search to fail. Day 7 PM Tr. 153:22–25 (Martino). For example, names or other information may be mistyped by a hospital or town clerk. Day 7 PM 113:8–16, 114:6–14, 114:24–115:3, 155:14–16 (Martino). Or an amendment could have been made by a parent or guardian without an individual’s knowledge, or by the Division of Vital Records in error. Day 7 PM Tr. 155:23–25, 156:25–157:4 (Martino). The Vital Records’ website itself contains a disclaimer noting that people sometimes find inaccuracies in their records. Day 7 PM Tr. 154:10–17 (Martino).

123. An amendment process is required to correct a vital record with an inaccuracy or discrepancy. Day 7 PM Tr. 155:5–8 (Martino). Residents with an inaccuracy on their record would need to request a change to the record from the Division of Vital Records in order for it to be updated. Day 7 PM Tr. 155:9–11 (Martino). There is usually a \$10 fee to amend a record. Day 7 PM Tr. 156:1–4 (Martino). Amendments that are needed six months after the creation of a document are “especially complicated” and require “evidence to go along with” the application

for a correction. Day 7 PM Tr. 156:5–8 (Martino). Evidence needed to amend a record can include multiple documents, including a notarized form requesting the change or a court order. Day 7 PM Tr. 156:10–16 (Martino).

124. Director Martino “often” has “to call towns and cities to resolve discrepancies due to the amendments, name changes, adoptions parentage orders and other events,” and “[j]ust as often clerks will call [her] office to resolve errors they encounter.” Day 7 PM Tr. 157:9–15 (Martino).

iv. Problematic Search Procedures and Instructions

125. The search procedures for confirming citizenship in SVRS increase the risk that efforts to prove citizenship using an SVRS search will fail.

126. The “Application for Confidential Verification of a New Hampshire Vital Record” requires voters to supply various categories of “highly sensitive” information not requested on voter registration forms, including name as it appears on the record being searched, town/city of birth, parent names, spouse names, date of marriage and town/city of marriage. PTX-176; DTX-UU at 2. The form requests this information because the information the local election official is supposed to enter into SVRS may depend on the timing and circumstances around when the record was created. Day 7 PM Tr. 137:3–22 (Martino); PTX-145A; *see generally* DTX-VV.

127. When searching for a birth certificate, in the place of birth category, a registrant must provide the city or town *where they were actually born*—typically the location of a hospital—rather than their place of their home at the time they are born, which may also lead to a failed search: Some people may assume, for example, that Dartmouth-Hitchcock Medical Center is in Hanover, when it is in Lebanon. Day 8 PM Tr. 83:7–13, 90:6–10 (Piecuch).

128. The SVRS search also uses an “exact match” methodology, meaning responsive records will be returned only if it *perfectly* matches the search query. DTX-VV at 2; Day 9 Tr.

52:8–12 (Scanlan); Day 6 PM Tr. 37:14–16 (O’Donnell). Thus, if a voter’s name is “Samantha,” and the official entered “Sam”—or vice versa—it would not return a match. Day 8 PM Tr. 87:16–88:3 (Piecuch).

129. The “exact match” methodology also leaves registrants vulnerable to minor typographical mistakes—either by the voter filling out the form or by the election official filling it out. Given that election administration is a “human” task, and election official mistakes are therefore common, this limitation is certain to result in failed searches. Day 9 Tr. 54:7–9 (Scanlan); *see also, e.g.*, Day 8 AM Tr. 37:20–21 (Piecuch) (noting that supervisors sometimes “key[] in the wrong person” when working on voter lists); Day 7 PM Tr. 159:11–23 (Martino) (testifying based on experience as a city clerk that election officials make mistakes, including systematic problems resulting from a “lack of established procedures and negligence”).

130. The requirement that the voter be “in front” of the election official performing the search limits its utility. DTX-VV at 1. As the Secretary confirmed, for instance, an election official who does not have access to SVRS who is having trouble accessing the system cannot call another official with access to provide the voter information, as that the voter must be in front of the official searching. Day 9 Tr. 73:5–20 (Scanlan).

131. Local election officials can also get “locked out” of SVRS for making mistakes while using the system, or for engaging in too many searches too quickly. Day 8 AM Tr. 110:21–111:6 (Piecuch). Every action taken by a local election official is automatically logged, DTX-VV at 1, and when the system tracks searches or other activity deemed “suspicious,” the user is locked out. Day 8 AM Tr. 111:7–13 (Piecuch). When this occurs, the official must contact the Election Division to have access restored. Day 8 AM Tr. 111:7–13 (Piecuch).

132. The strict threat of criminal penalties for running any improper search will make election officials hesitant to use the system at all. Day 9 Tr. 43:17–25 (Scanlan) (acknowledging that risks to election officials may deter use of the SVRS); *see also* Day 4 PM Tr. 35:18–22 (Seely) (“[R]ight on the first page is -- in bright red letters is something that says you can be prosecuted for misusing the system.”).

v. Delays

133. Even where a voter’s citizenship can be proved by searching the vital records or DMV records in SVRS as authorized by HB 464, such searches may take substantial time. Observers saw it take ten to fifteen minutes for each voter to look up their prior registration in the November 2025 election in Keene. Day 1 Zink Tr. 51:1–8 (Zink).

134. Election workers report that SVRS is often slow, “and you sit there hearing the Jeopardy theme song going in the background for a couple minutes while it hangs, and eventually it shows you the record.” Day 4 PM Tr. 33:15–34:1 (Seely). As a result, “it will take longer in general, on average, to register” voters if a SVRS search is required. Day 4 PM Tr. 46:2–9 (Seely); Day 2 PM Tr. 80:18–81:2 (Robert).

135. The need to run such searches will slow down the voter registration process and cause longer lines. Day 1 PM Tr. 89:1–6 (Shump); Day 3 AM Tr. 144:15–145:2 (Chouinard).

136. The possibility of needing to make phone calls to confirm voter information, or inquire as to what proof is sufficient, will further increase delay. When Michael Blanchette tried to register under HB 1569 and was told he needed proof of citizenship despite a prior registration in New Hampshire before election workers eventually called the city to confirm the rules, it took him between forty-five minutes and an hour to be able to cast his ballot. Day 3 PM Tr. 43:4–16, 44:21–45:13, 48:19–22 (Blanchette). In Keene in November 2025, looking up prior voter

registrations took even longer than ten to fifteen minutes if the Supervisor had to talk to the Town Clerk about the look up. Day 1 Zink Tr. 51:1–8 (Zink).

137. Without searches under HB 464, voter registration took “five to ten minutes” per voter in some communities, and kept election officials “very busy.” Day 4 AM Tr. 106:21–107:8 (Seely); Day 3 AM Tr. 33:13–34:7 (Sumner).

138. Even before HB 1569 and HB 464, Julianne Gadoury, the executive director of the Forward Foundation witnessed voters in Plymouth waiting for “hours” to cast their ballots. Day 4 AM Tr. 34:12–22 (Gadoury); *see also* Day 1 PM Tr. 88:12–14 (Shump) (“[U]sually from about 10 or 11 o'clock in the morning until 15 minutes before the polls close, we have a very long line.”). There were lines for registration that were two to three hours long in some New Hampshire towns in November 2024. Day 3 PM Tr. 6:9–24 (Chouinard). Long lines are especially common in polling places with large numbers of students. Day 2 AM Tr. 67:9–14 (Kasten).

139. Long lines themselves disenfranchise voters. Investigator Tracy has observed voters leaving before voting when lines get long. Day 7 PM Tr. 64:23–65:9, 78:9–16 (Tracy). Waiting in long lines “is not feasible for a lot of folks. People are working, people have families.” Day 3 PM Tr. 6:9–24 (Chouinard). When there are long lines to register, “[s]ome of the people get very frustrated and occasionally will leave.” Day 1 PM Tr. 90:7–10 (Shump).

IV. HB 1569 is not tailored to serve any substantial state interests.

140. The Secretary has not studied how any “other states handle issues similar to issues . . . addressed by HB 1569.” Day 9 Tr. 32:12–16 (Scanlan).

A. HB 1569 is neither necessary nor effective to prevent wrongful voting.

141. Even HB 1569’s sponsor, Bob Lynn, explained in introducing the bill that he did not “think there’s a huge issue of voter fraud in New Hampshire,” because “if there was, we would know about it.” Day 7 AM Tr. 41:8–11 (O’Donnell). Brendan O’Donnell, former chief of the

election law unit in the Attorney General's Office, and current Deputy Secretary of State, agrees with Lynn's statement. Day 7 AM Tr. 42:16–19 (O'Donnell).

142. In response to HB 1569, voter advocacy organizations, local election officials, and individuals testified in opposition to HB 1569 in the General Court and urged State leaders to oppose it, emphasizing the effectiveness of the affidavit system. PTX-036 (Youth Movement testifying that “HB 1569 would place a burden on [students, new citizens, and people who people move] by eliminating a time-tested affidavit system that gives law-abiding voters a way to prove their identity if they don't have other documents available when registering”); *see also* PTX-067 (League of Women Voters); PTX-096 (Seely); PTX-097 (Shump); PTX-162 (Deane); PTX-164 (Supervisors of the Checklist).

143. The Secretary did not propose HB 1569 and did not testify in support of or in opposition to it. Day 8 PM Tr. 126:7–14 (Scanlan).

144. The Secretary could not recall the specific dates and times of conversations with legislators about HB 1569, although he does recall having such conversations. Day 9 Tr. 72:3–6 (Scanlan). If he had been asked about non-citizen voting, he would have told them “something like” there was “no widespread evidence of non-citizen voting but [he's] aware of a few instances of individuals registering by presenting green cards.” Day 9 Tr. 71:12–18 (Scanlan). He would not have said that the use of QVAs to prove citizenship posed a risk to election integrity in New Hampshire. Day 9 Tr. 72:19–22 (Scanlan).

145. The Deputy Secretary of State admitted that HB 1569's elimination of QVAs to prove citizenship would not have prevented five out of the eight non-citizens alleged to have ever registered or voted in New Hampshire from registering to vote, because those voters either told

election officials they were non-citizens or provided identification showing that they were non-citizens, but were allowed to register and vote anyways. Day 6 AM Tr. 122:6–123:3 (O’Donnell).

146. The mistake of allowing non-citizens to register using a green card could still occur after HB 1569 because the law allows officials to determine what constitutes reasonable documentation of citizenship. Day 9 Tr. 81:12–82:3 (Scanlan). The Election Procedure Manual already clearly identified green cards as not acceptable proof of citizenship prior to HB 1569 and the Secretary’s Office conducted trainings on acceptable proof prior to HB 1569. Day 9 Tr. 82:18–83:22 (Scanlan); DFX-SS at 343. HB 1569 does nothing to reduce the chance of such mistakes. But such mistakes could be addressed through additional training. Day 9 Tr. 53:13–54:3 (Scanlan).

147. HB 1569 and HB 464 exempt everyone who has ever previously registered to vote in New Hampshire from ever having to prove their citizenship, even if they originally registered to vote using a QVA to prove their citizenship. Day 8 PM Tr. 29:17–21 (Piecuch). They therefore would do nothing to detect or prevent any existing, unidentified non-citizens who have already registered to vote from continuing to vote in New Hampshire. Day 8 PM Tr. 30:2–9 (Piecuch).

148. Someone who proved their citizenship in 2023 using a QVA has not done any more to prove their citizenship than someone who seeks to sign a similar affidavit in 2026. Day 8 PM Tr. 30:2–9 (Piecuch).

149. If election officials were concerned that non-citizens were registering to vote in New Hampshire by using QVAs to prove citizenship, they could have investigated the QVAs submitted to prove citizenship to seek to verify whether the voters who submitted those affidavits were, in fact, citizens. Day 7 PM Tr. 99:12–100:18 (Tracy). Election officials engaged in comparable investigations for domicile affidavits and identity affidavits. Day 7 PM Tr. 93:9–18, 95:6–12 (Tracy). But election officials never engaged in such investigations for citizenship

affidavits. Day 7 PM Tr. 99:12–19, 106:22–24 (Tracy). Investigator Tracy estimated investigations of non-citizen voting take up roughly 2% of his time. Day 7 PM Tr. 88:25–89:2 (Tracy). That is so even though the face of the affidavits would have provided much of the information needed to commence the investigation, including name, stated domicile address, stated place of birth, and naturalization information, if applicable. Day 7 PM Tr. 100:2–15 (Tracy).

150. HB 1569 did not reduce reports of wrongful voting. The number of wrongful voting cases reported the Attorney General’s Office in 2023 is “fairly close” to the number reported in the 2025 local elections. Day 7 PM Tr. 60:20–23 (Tracy). Those years are comparable because they involve only municipal elections. Day 7 PM Tr. 60:14–23 (Tracy).

151. New Hampshire continues to rely upon affidavits to verify important information in other contexts. An individual can obtain a certified copy of a vital record even without ever showing a photo identification as long as they sign an attestation of penalty of perjury and fraud and show two forms of non-photo identification. Day 7 PM Tr. 134:8–11 (Martino); PTX-089, PTX-090. Vital Records is not aware of any incidents of individuals obtaining vital records fraudulently. Day 7 PM Tr. 134:12–15 (Martino).

B. HB 1569 will not improve voter confidence, and may harm it.

152. Secretary Scanlan agrees that the State has a strong interest in ensuring that eligible voters are able to exercise their right to vote in New Hampshire. Day 9 Tr. 66:2–5 (Scanlan). When a qualified voter is prevented from voting altogether, it is impossible to add their vote back in the total. Day 7 AM Tr. 24:3-6 (O’Donnell).

153. Academic literature shows that when voters have a frustrating polling-place experience or are unable to vote they are more likely to report low confidence in election outcomes. Day 2 AM Tr. 108:19–109:13 (Mayer).

154. Testimony confirms that effect. Sang Yeob Kim, a naturalized citizen who was erroneously turned away despite presenting a passport and could have otherwise completed a QVA as a backstop, testified to how his registration experience left him “sort of feeling of the treatment as a second class citizen.” Day 1 AM Tr. 62:14–18 (Kim); Day 6 AM Tr. 28:2–30:1; PTX-178. Tess Sumner, who was eligible to vote and voted for the first time in March 2025, explained that “it was more stressful than I thought it was going to be . . . it was just very stressful and I had to make sure that I had everything. So, yeah, it wasn’t as superb as I thought it was going to be.” Day 3 AM Tr. 37:6–11 (Sumner).

155. Election observers and election workers reported reduced confidence in New Hampshire elections due to HB 1569 making it harder or impossible for many voters to vote. Day 3 PM Tr. 5:10–20 (Chouinard); Day 2 PM Tr. 54:11–22 (Robert).

156. As a result of HB 1569, an entire New Hampshire high school class witnessed a newly eligible 18-year-old voter turned away from voting because he lacked documentary proof of his citizenship, and that voter did not return to vote. *See* Day 1 PM Tr. 82:2–83:3 (Shump). It was the only time that Shump has ever had to turn away a voter who claimed to be an eligible citizen because they lacked a citizenship document. Day 1 PM Tr. 82:2–83:3 (Shump).

157. The Secretary agrees that if “large numbers of people are unable to vote because they present at a polling place without the requisite documentation, that could lead to a decrease in voter confidence.” Day 9 Tr. 57:3–7 (Scanlan). said that it was therefore “too early to tell” if the law would help or harm voter confidence. Day 9 Tr. 56:25–57:2 (Scanlan).

158. The Secretary’s Office has not “done anything to measure the affect of HB 1569 on voter confidence.” Day 9 Tr. 30:4–8 (Scanlan). And the Attorney General’s Office has not conducted any studies or surveys related to voter confidence. Day 7 AM Tr. 22:18–24 (O’Donnell).

159. Surveys show that around 90% of people in New Hampshire had confidence in New Hampshire elections, even before HB 1569. Day 9 Tr. 54:22–25 (Scanlan). The Secretary agrees this is this is a “high level of confidence.” Day 9 Tr. 55:1–3 (Scanlan). The Secretary believes New Hampshire voters have more concerns about the way elections are conducted outside of New Hampshire than they do about the way elections are conducted within New Hampshire. Day 9 Tr. 55:4–8 (Scanlan).

160. To the extent that voter confidence has declined in recent years, it is due at least in part to rhetoric by political leaders about the integrity of the 2020 election, including statements made by former presidential candidates. Day 9 Tr. 55:8–56:6 (Scanlan). This includes President Trump’s recent false claims of “mass voter fraud.” Day 7 PM Tr. 98:18–23 (Tracy).

161. New Hampshire created a Special Committee on Voter Confidence in 2022 to study voter confidence and recommend changes to election laws to improve voter confidence. The Committee was made up of “a very diverse group of knowledgeable individuals” hand-chosen by the Secretary to ensure “that the whole political spectrum was represented.” Day 9 Tr. 6:1–13 (Scanlan). The Committee traveled the state, hearing days of testimony from members of the public. DFX-R at 4. The Committee’s report concluded that the majority of “New Hampshire voters have confidence in our elections,” that “New Hampshire elections are accurate,” and that “New Hampshire is well served by local election officials.” DFX-R at 4. The Committee did not recommend the elimination of QVAs to prove citizenship, or any other changes to New Hampshire’s proof-of-citizenship laws. Day 9 Tr. 65:12–15 (Scanlan); DFX-R at 6–8.

162. The Committee on Voter Confidence instead recommended, among other things, improved recruitment and training of local election officials, expanded voter education, use of new ballot counting machines that use paper ballots, expanding the use of random audits, improved

access for public observation of the electoral process, changes to the process for updating voter checklists, increased auditing of election results, and legislation “to make it easier for citizens to obtain appropriate voter information.” DFX-R at 7–8.

C. The challenged parts of HB 1569 do not save New Hampshire money.

163. There is no evidence in the record of any cost savings to the state attributable to the elimination of QVAs to prove citizenship. While New Hampshire previously spent substantial resources investigating affidavits used to prove domicile and identity, it never engaged in similar systematic investigations of QVAs used to prove citizenship. Day 7 PM Tr. 99:12-19, 106:18–24 (Tracy) (agreeing that State has “never systematically investigated Qualified Voter Affidavits for citizenship”). Any savings from not investigating other types of affidavits have nothing to do with the elimination of QVAs for citizenship, specifically. Day 7 PM 52:13–25 (Tracy).

164. Any small sums spent on investigating incidents involving non-citizens resulting from complaints or other case-specific investigation will be unaffected, as the State will continue to investigate credible reports of non-citizen voting they receive from the public, local authorities, and other government entities. *See* Day 6 AM Tr. 12:11–24 (O’Donnell); Day 7 PM Tr. 10:2–8 (Tracy); Day 7 AM Tr. 71:13–72:11 (Tracy).

165. The Secretary’s Office incurred substantial costs to implement HB 464’s changes to SVRS to allow searches of vital records and DMV records. The changes took almost 1,400 hours of vendor time and cost more than \$167,000, even without accounting for the substantial staff time spent on the project, including negotiating a memorandum of understanding with the Department of Safety. Day 8 PM Tr. 56:16–58:2, 61:12–13 (Piecuch); Day 9 Tr. 58:18–22, 59:5–7 (Scanlan); PTX-278A. There were multiple issues with the roll out of the HB 464 changes, including an issue with the data transfer between the DMV and SVRS. Day 8 PM Tr. 61:22–24 (Piecuch).

166. To reduce harms to voters, the Secretary's Office will have to "go above and beyond in order to educate the public" about HB 1569 and the elimination of the QVA before the 2026 elections, and to do additional trainings on implementing HB 464. Day 9 Tr. 58:9–12, 59:11–13 (Scanlan).

V. Relief will not disrupt New Hampshire's elections.

167. If the Court were to issue an order in early July saying that the state must allow the use of QVAs for proof of citizenship, the Secretary is confident the State could implement the order in time for the 2026 elections. Day 9 Tr. 65:20–66:1 (Scanlan); *see also* Day 8 PM Tr. 93:12–21 (Piecuch).

168. While Elections Director Piecuch initially testified that reintroducing QVAs to prove citizenship would require complicated technical changes to SVRS, she later acknowledged that in fact, no technical changes were needed, and election workers could be instructed to accept QVAs as proof of citizenship while using the SVRS as it currently exists. Day 8 PM Tr. 96:119 (Piecuch); *see also* Day 8 PM Tr. 81:1–19 (Piecuch). Piecuch's initial testimony that it could take "four to six months" to "reimplement qualified voter affidavits for citizenship" was incorrectly premised on needing to make changes within the SVRS. *See* Day 8 AM Tr. 54:2–56:11 (Piecuch). She later confirmed that the SVRS already provides a way for an election official to register a voter who provides some other form of proof of citizenship, and the Secretary's Office could "instruct local officials to say yes to that question if they had a citizenship QVA." Day 8 PM Tr. 96:1–17 (Piecuch). Director Piecuch therefore agreed that relief in this case "would not require a change to SVRS." Day 8 PM Tr. 96:18–19 (Piecuch).

169. Election officials already know how to administer citizenship QVAs. *See* Day 1 PM Tr. 62:19–63:12, 65:3–9 (Shump); Day 2 PM Tr. 56:11–14 (Robert).

VI. New Hampshire Youth Movement is injured by the challenged law.

A. Youth Movement is a voter advocacy organization that operates core voter services throughout the state of New Hampshire.

170. Youth Movement is a nonprofit membership organization that effectuates political change by “building the power and influence of young people” in New Hampshire. Day 2 AM Tr. 9:5–15 (Kasten).

171. Youth Movement runs three core services to achieve its mission: a pledge-to-vote (PTV) program, a voter-registration (VR) program, and a get-out-the-vote (GOTV) program. Day 2 AM Tr. 22:21–24:22 (Kasten)

172. Youth Movement also runs a digital program that supports these three services by providing education about, among other things, how to complete the voting process. Day 2 AM Tr. 16:3–10, 56:5–18 (Kasten).

173. Youth Movement has six full-time staff members and more than 70 other formal members who “either pay dues or sign a waiver if they don’t have a lot of money.” Day 2 AM Tr. 13:6–10 (Kasten).

174. Youth Movement members vote on key “organizational decisions,” including the matters the group “organize[s] around” and “candidate endorsements.” Day 2 AM Tr. 13:8–14 (Kasten).

175. Youth Movement members, who make up the base of volunteers who carry out its core services, are organized in “hubs” located throughout the state. Day 2 AM Tr. 11:6–12, 12:16–23 (Kasten).

176. Youth Movement also maintains a “distributed statewide” team of members at large who are not close to any existing hubs. Day 2 AM Tr. 14:4–6 (Kasten).

177. Youth Movement is active statewide, and its activities in any given major election year depend on where it determines that the need is the highest. Day 2 AM Tr. 18:17–19:18 (Youth Movement “concentrate[s] a lot of, but not all of, [its] work” where youth turnout figures had decreased); PTX-023 at 2. Following lower youth turnout in the 2022 election, for example, Youth Movement focused some of its efforts on activities in Durham, Plymouth, and Hanover. Day 2 AM Tr. 19:15–22 (Kasten).

B. The proof-of-citizenship requirement impairs Youth Movement’s core PTV, voter registration, and GOTV services.

178. All of Youth Movement’s core organizational goals involve motivating voters to get the polls and ensuring that they are able to vote. Day 2 AM Tr. 17:2–24 (Kasten). They include increasing turnout margins in key college towns, collecting pledges to vote from young people “so we can effectively turn them out to the polls,” growing its “core volunteer base,” mobilizing young voters on election day, including through canvassing, phones, digital media, in-person events, and rides to the polls, and passing progressive supported by young people. Day 2 AM Tr. 16:3–11, 19:15–20:4 (Kasten) (explaining that Youth Movement focuses its core “get out the vote” and “pledge to vote” programs in “areas with young people in the state and . . . where fewer ballots were cast”); Day 2 AM Tr. 27:4–9 (Kasten); PTX-023 at 1–3; PTX-025 at 1–4.

179. Youth Movement tracks its effectiveness through metrics related to these goals. Day 2 AM Tr. 27:12–16 (Kasten); PTX-025 at 1 (noting 2024 accomplishments).

180. Prior to HB 1569, Youth Movement’s core programs relied on the availability of the QVA for new registrants. Day 2 AM Tr. 32:15–23 (Kasten); Day 2 AM Tr. 33:1–9, 34:3–6 (Kasten); *see also* Day 2 AM Tr. 39:6–13 (Kasten) (explaining that Youth Movement’s 2024 messaging emphasized that if a voter “didn’t have [a] document with [them], [they] could still sign something and vote like everybody else”); Day 2 AM Tr. 51:15–19 (Kasten) (“Q. Is that a -- is the

fact that it didn't take place after the general election the reason that your voters' services in 2024 still relied on the qualified voter affidavit, even those postdated the passage date? A. Yes."); *see also, e.g.*, PTX-039 (Youth Movement advising young voter's mother who had reached out via Instagram that the voter should have been given a QVA when he did not have a birth certificate with him at the polls); PTX-037 (Youth Movement social media posts encouraging registration, noting availability of the QVA to register to vote for those without documents); *see also* Day 3 AM Tr. 16:20–17:2 (Montagano) (“Q. In your experience, was lacking access to a birth certificate or passport a concern of students when they were registering to vote? A. It was. That’s why pointing out the same-day registration affidavit was such an easy way to get students to sign those pledge-to-vote cards and be sure they were able to vote even if they believed that they couldn’t prior to learning about it.”).

181. After learning that HB 1569 was advancing through the General Court in 2024, Youth Movement submitted testimony to legislators explaining that, based on his experience assisting voters, HB 1569 “would make it harder for young people to vote and lots of young people would be turned away and it would [thereby] hurt New Hampshire Youth Movement.” Day 2 AM Tr. 43:20–22 (Kasten); *see also* PTX-036.

182. In a “mid-year update” in 2024, Youth Movement reported to its board and donors that “we will have to go all in on voter education of young, first-time voters to make sure they have documentation to register to vote” if HB 1569 were to pass. Day 2 AM Tr. 50:22–25, 51:2 (Kasten).

183. Following HB 1569’s passage, Youth Movement’s core services can no longer rely on the promise that “[n]o eligible voter in New Hampshire will be denied the right to vote for lacking documentation.” Day 2 AM Tr. 40:15–41:3 (Kasten).

184. Youth Movement’s core services cannot be effective when a voter who received the service does not ultimately vote. Day 2 AM Tr. 18:6–10 (Kasten) (“Well, we’re not doing these phone calls, digital media, rides to the polls, sort of for the -- for the purpose of doing them. We’re doing those things to make it easier for young people to vote. So if they can’t ultimately vote, it’s not worth it in our view.”).

185. Youth Movement’s ability to achieve its organizational goals is affected when each individual voter it aims to serve must overcome additional obstacles in order to register to vote. Day 2 AM Tr. 18:12–15 (Kasten).

186. The PTV program is among Youth Movement’s “staple programs.” Day 2 AM Tr. 24:3–14 (Kasten) (“It’s a program where we will print out cards called Pledge to Vote cards and we will encourage young people to sign those cards. We always end up having thousands of people sign these cards. And it’s a way to have a conversation about voting far before the election. And then once someone fills out the card, we’ll reach back out to them when the election is closer and let them know that the election is coming up, where they need to go, how to register.”); *see also* Day 2 AM Tr. 28:6–29:14 (Kasten) (describing Pledge to Vote efforts in 2024).

187. The pledge to vote program is a critical means for Youth Movement to improve voter registration in the state, as groups like Youth Movement are not permitted to register voters directly. Day 2 AM Tr. 24:18–22 (Kasten) (“We wish we could register voters ourselves, but we’re not able to do so. So we use the Pledge to Vote program . . .”).

188. The PTV program is impaired by the proof-of-citizenship requirement because the requirement requires Youth Movement to take additional steps it did not have to take before to ensure that the voters they assist ultimately vote. Day 2 AM Tr. 53:20–25 (Kasten) (“[W]e can still collect Pledge to Votes, but making it easier for those people who sign those Pledge to Votes to

actually vote becomes much more difficult because we need to go a lot more in depth around how to register and what kind of documents you need to have with you when you try to register.”).

189. Youth Movement’s GOTV program is impaired by the proof-of-citizenship requirement because some of the voters Youth Movement has assisted in the past, absent intervention, would be unable to vote. Day 2 AM Tr. 54:9–14 (Kasten) (“And so if we were to do [the rides to the polls program] as we’re doing them today, we would turn out a lot of people to the polls who want to register to vote there but then would not be able to because they didn’t have the right set of documents.”).

190. To ensure that the voters it serves are able to vote, Youth Movement has taken steps to add layers to its PTV, GOTV, and VR programs. Day 2 AM Tr. 57:2–17 (Kasten).

191. Beginning with the March 2025 elections, local elections in which Youth Movement would not typically heavily invest, Youth Movement spent its resources messaging and public-facing materials regarding voter registration, including at least eight to ten hours of staff time. Day 2 AM Tr. 57:18–58:23 (Kasten) (“Well, we had to, because we had to do sort of more messaging around the kind of documents you would need to bring to register and it’s sort of a complicated list of things that it could or couldn’t be. And so we actually ended up linking to it because it was, you know, maybe too big or complicated to put [in materials].”); *see also, e.g.*, PTX-038 (Youth Movement social media posts encouraging voters to participate in the 2025 municipal elections, reflecting changes in messaging following HB 1569).

192. Youth Movement has since spent at least ten to twenty additional hours drafting messaging for its digital program for voters to help them comply with the new requirements to register because effective messaging it “critical to [its] work.” Day 2 AM Tr. 58:24–59:14 (Kasten).

193. Youth Movement anticipates that, consistent with prior trends, more voters will seek to register in 2026. Day 2 AM Tr. 59:15–19, 61:12–13 (Kasten) (“major election years, you know, our programs are a lot larger and more robust than the off years”).

194. Youth Movement has since expended significant staff time and other resources developing changes to core programs in response to HB 1569 ahead of the major 2026 mid-term election. Day 2 AM Tr. 59:25–60:24, 63:8–13 (Kasten) (testifying that Youth Movement staff met roughly every other week throughout 2025 regarding planning and training ahead of the 2026 mid-term elections); *see also* PTX-027 (Youth Movement’s 2025-2026 organizational goals tracker).

195. With respect to Youth Movement’s GOTV program, for example, Youth Movement must add an “intake process to make sure that we don’t accidentally send someone to the polls and waste their time without the documents they need or, conversely, turn away someone who would be able to vote should they have gone.” Day 2 AM Tr. 64:6–9 (Kasten).

196. Youth Movement has also already spent substantial staff resources developing a potential “documents chase program,” which would be a “new” program for Youth Movement. Day 2 AM Tr. 55:16–56:4 (Kasten).

197. Some of the materials are already in draft form for these updates to the GOTV programs, but Youth Movement continues to expend staff time preparing and refining new materials and the trainings that it will conduct for its members and volunteers who carry out the program. Day 2 AM Tr. 65:1–19 (Kasten).

198. Youth Movement has already spent approximately 40 to 50 hours of staff time developing and drafting these changes to its GOTV program. Day 2 AM Tr. 65:17–19 (Kasten).;

199. With respect to Youth Movement’s VR program, Youth Movement has developed a new program to focus on recruiting effective allies, including college officials and city and town

officials, to help ensure that more programs are being offered to help students register to vote. Day 2 AM Tr. 54:25–55:4 (Kasten); Day 2 AM Tr. 55:5–9 (Kasten); *see also* PTX-035 (Kasten email exchange with Durham regarding Youth Movement’s plans “to get a head start on planning for the 2026 elections, especially because HB 1569 will severely limit the options available to register to vote”).

200. In the past, these events were easier to operate because there was no risk that people would “show up to these voter registration events and not be able to register to vote because they don’t have the documents they need with them,” but Youth Movement now must invest more time and resources to ensure that officials and voters plan ahead and complete the process. *See* Day 2 AM Tr. 67:15–68:12 (Kasten); *see also* Day 1 PM 90:18–91:17 (Shump) (“And for the UNH event, are you aware if community groups try to help get out the word about those voter registration events? A. I am aware that there is some work for that. I think we need more. Q. And why do you think you need more? A. Because of the extra documents that are needed now. Q. So how will HB 1569 affect those voter registration efforts in your view? A. Well, usually, the last several years, we have had our registration drives in the dining halls, and it’s probably worthless to try to do that now if students are expected to have their birth certificate or passport with them, because they won’t be prepared for that.”).

201. While Youth Movement did not focus on voter registration events in the past given its reliance on pledges to vote, Youth Movement will now dedicate either one-half or one-third of a staff member’s time exclusively to making sure more students are able to register in advance at these events. Day 2 AM Tr. 55:10–15 (Kasten); *see also* Day 2 AM Tr. 67:9–14 (Kasten) (“We’re just going to need to do a lot more of these kinds of events. You know, some town officials are really proactive about this and some are not. And so already the lines are -- for registration are

really long at a lot of these areas with a lot of students and they're going to get longer. So I think there's a really high need.").

202. Youth Movement will also send staff members or volunteers to assist with these "voter registration events on campus." Day 2 AM Tr. 55:10–15 (Kasten) ("We're also trying to help with some of those voter registration events on campus. You know, we can't do everything, but that's going to be half to a third of one of our staff's time, you know, trying to make it easier for those -- those town officials to do those kinds of events and make sure students get there."); *see also* PTX-036.

203. Youth Movement will support these voter registration events in several locations throughout the state. Day 2 AM Tr. 70:9–18 (Kasten) ("Keene, Plymouth, and Hanover for sure, but also trying to recruit in other towns with colleges. So Henniker, Manchester, looking at some of the community colleges as well potentially. So we're trying to do this in as many places as possible, but we're limited by our resources.").

204. Youth Movement fears that "[f]ewer young people will be able to cast a ballot" if more of these events are not put into place." Day 2 AM Tr. 68:15 (Kasten).

205. Because there is no reason to believe that the SVRS search system authorized by HB 464 contains records for many New Hampshire voters, HB 464 does not eliminate the need for Youth Movement to take these steps or account for HB 1569 in the upcoming elections. Day 2 AM Tr. 73:3–6 (Kasten).

206. Youth Movement has also been given no reason to have any confidence that SVRS search system authorized by HB 464 will be conducted properly even for voters who, in theory, should have records in a New Hampshire database. Day 2 AM Tr. 72:13–18 (Kasten).

207. Youth Movement will continue to advise all voters to bring documents with them in order to register to vote. Day 2 AM Tr. 73:1–2 (Kasten).

C. The proof-of-citizenship requirement has harmed and will continually harm Youth Movement’s members.

208. Before HB 1569 went into effect, Youth Movement members—including but not limited to Kara Montagano, Taylor Berry, and Ty Wyman—were among the voters who relied on a QVA to register to vote in recent elections. Day 2 AM Tr. 41:4–22 (Kasten).

209. After HB 1569 went into effect, a Youth Movement member was forced to confront and comply with HB 1569 to register to vote in both the March and November 2025 municipal elections, including Tess Sumner in Danbury (March 2025) and Kai Musick in Dover (November 2025). Day 2 AM Tr. 52:15–53:6, 74:14–16 (Kasten) (State eliciting testimony confirming they were “affected by the law”).

210. Youth Movement has no doubt that this will continue to recur in future elections. Day 2 AM Tr. 53:9 (Kasten). This is, in part, because some Youth Movements members are under the age of 18 and will necessarily have to register at or ahead of the 2026 elections. Day 2 AM Tr. 51:23–52:10 (Kasten). Kasten testified that he could name these minors members if he was required to do so. Day 2 AM Tr. 52:13 (Kasten).

211. Other Youth Movement members who are not registered, including those who move from out of state, will have to register to vote under HB 1569 for the first time in upcoming 2026 elections. Day 2 AM Tr. 51:25–52:7 (Kasten) (explaining that Youth Movement is “constantly getting new members. We usually get the most new members around when new students move into school and those people are almost always young and unregistered, haven't voted before. So they would need to register.”); *see also* Day 2 AM Tr. 12:1–3 (Kasten) (explaining

that membership “changes fairly often because sometimes students graduate . . . or people will come to us and want to start a hub”).

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on today's date, I caused a copy of the foregoing to be served on all counsel of record through the Court's ECF filing system.

/s/ Steven J. Dutton
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