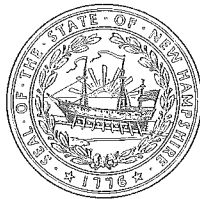


NEW HAMPSHIRE DEPARTMENT OF STATE



William M. Gardner
Secretary of State

Robert P. Ambrose
Senior Deputy Secretary of State
David M. Scanlan
Deputy Secretary of State

March 19, 2018

Mr. Ed Naile
61 Tubbs Road
Deering, New Hampshire 03244

Dear Mr. Naile:

You have requested certain information under the New Hampshire Right-to-Know law and under the National Voter Registration Act, 52 U.S.C. §20501.

New Hampshire RSA 654:45, VI provides in pertinent part that:

The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. . . . The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

New Hampshire RSA 654:31-a provides:

The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. **All other information on the voter registration form, absentee registration affidavit, qualified voter affidavits, affidavit of religious exemption, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A.** Notwithstanding the foregoing, qualified voter affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter affidavits, affidavits of religious exemption, absentee

State House Room 204, 107 N. Main St., Concord, N.H. 03301

Phone: 603-271-3242

Fax: 603-271-6316

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email: elections@sos.state.nh.us

registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

(emphasis added). Therefore, state law does not permit us to provide you with records from the Statewide Voter Registration Database. State law also does not allow disclosure of Voter Registration Forms or the specified related documents. Draft, pre-decisional, confidential, and attorney client privileged confidential governmental records are being withheld as they are exempt from disclosure pursuant to RSA 91-A:5, IV, IX, and *ATV Watch v. N.H. Dep't of Transp.*, 161 N.H. 746 (2011). We are also withholding records that are confidential, private and non-public pursuant to RSA 654:45, VI & VIII. To the extent your request seeks documents compiled for law enforcement purposes, they are exempt from disclosure as they would reasonably be expected to constitute an unwarranted invasion of personal privacy, disclosure could reasonably be expected to interfere with enforcement proceedings, or would deprive a person of a right to a fair trial or an impartial adjudication.. *Montenegro v. City of Dover*, 162 N.H. 641 (2012); *Murray v. State Police*, 154 N.H. 579, 582 (2006); *38 Endicott St. N., LLC v. State Fire Marshal*, 163 N.H. 656 (2012). We possess no governmental records that are subject to disclosure and response to your request.

The National Voter Registration Act does not apply to New Hampshire.

Nonapplicability to certain States. This Act does not apply to a State described in either or both of the following paragraphs:

...

(2) A State in which, under the law that is in effect continuously on and after August 1, 1994, or that was enacted on or prior to August 1, 1994, and by its terms is to come into effect upon the enactment of this Act (enacted May 20, 1993), so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal Office.”

52 U.S.C. §20503 (b). New Hampshire adopted election day voter registration in a manner that exempts New Hampshire from the National Voter Registration Act.

Sincerely yours,



David Scanlan
Deputy Secretary of State