

## **ACLU-NH Statement on Letter Sent by Kris Kobach’s “Voter Fraud” Commission to New Hampshire**

CONCORD – Gilles Bissonnette, the Legal Director of the ACLU of New Hampshire, released the following statement in response to a letter directed to New Hampshire from the Presidential Advisory Commission on Election Integrity. A copy of the letter sent to another state is attached:

“This week, Kris Kobach, the Vice Chair of the Presidential Advisory Commission on Election Integrity, sent letters to all 50 states, including New Hampshire, requesting a list of all registered New Hampshire voters, the last four digits of their social security numbers, their addresses, dates of birth, political affiliation, their voting history, as well as other information.

We expect that the Secretary of State will not honor any request to produce information that is private and confidential. Any transfer of information must be in full compliance with all state disclosure laws. The Commission should not be able to obtain information that is unavailable to any ordinary member of the public.

In New Hampshire, there are specific laws governing public disclosure of the voter checklist, which we expect to be complied with. New Hampshire law—specifically RSA 654:25, RSA 654:31(I-II), and RSA 654:31-a—only deem public from the checklist a voter’s full name, domicile address, mailing address, and party affiliation, if any. The Secretary of State is barred from disclosing to the public any other personal information about voters, including their dates of birth or social security information. *See* RSA 654:31-a. And if the Commission wants a copy of the public checklist, it should have to pay for it—at a cost of \$25 per municipal checklist under RSA 654:31(II)—just like any ordinary member of the public.

Unfortunately, this Commission likely will be a pretext to enact new restrictions on the right to vote. Led by Mr. Kobach<sup>1</sup>, it is based on the false premise that there was widespread voter fraud last November. Yet New Hampshire conducts fair, honest, and democratic elections, and there is no evidence of significant voter fraud here. The Secretary of State’s Office<sup>2</sup> and the Governor<sup>3</sup> have both repeatedly acknowledged that there is no widespread voter fraud in the Granite State. Once again, our expectation is that, while on this Commission, Secretary Gardner will only join conclusions in the Commission’s final report that support voting rights and are based on actual proven facts.”

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<sup>1</sup> Earlier this month, a federal judge fined Mr. Kobach \$1,000 for presenting misleading arguments and making material inaccuracies in a voting-related lawsuit. <http://www.latimes.com/politics/washington/la-na-essential-washington-updates-kris-kobach-fined-for-misleading-court-1498264754-htmlstory.html>.

<sup>2</sup> Secretary of State William Gardner: “Everyone has ways to take pictures and there is nothing. We have nothing. Show me something.” <http://www.concordmonitor.com/For-Secretary-of-State-Bill-Gardner-the-votes-are-in--and-final-8098277>. Deputy Secretary of State David Scanlan: “There’s no indication of anything that widespread taking place in New Hampshire.” <http://www.unionleader.com/voters-first/NH-election-officials-dispute-Trump-tweet-on-voter-fraud-11282016>

<sup>3</sup> Governor Chris Sununu: “As I’ve said in the past, I’m not aware of any widespread voter fraud in New Hampshire ... I do not believe we have widespread voter fraud here in New Hampshire.” <http://www.wmur.com/article/sununu-says-hes-unaware-of-widespread-voter-fraud-in-nh/8775376>