

**Coalition of New Hampshire Taxpayers
Submission**

to

**President Trump's Election Integrity
Commission**

September 7, 2017

Submitted by Email

By Ed Naile, Chair, CNHT

Background:

In September of 2000 a group of CNHT Directors and some political activists we work with met in Concord, NH to attempt to put to rest the constant complaints about voter fraud CNHT would receive at our business meetings.

Our all-volunteer organization is primarily involved with municipal taxes, Right to Know, property issues, budgets, assessments, for the most part, municipal issues.

For years we were asked to address perceived voter fraud, which was not one of our main concerns, although many of our members have served as elected officials and worked on campaigns, as election day officials, and on re-counts.

We agreed to take a look at any hard evidence if anyone would simply bring it to us.

One of the first things we were handed was a stack of envelopes from the 1996 NH General Election that were all returned to the Supervisors of the Checklist in Deerfield after letters were sent to voters from that town. There were 19 letters all bearing the same address 156 Bear Brook Rd.

There is not and never was a Bear Brook Rd. in Deerfield, nor was there any such address. Upon further investigation CNHT discovered that an AmeriCorps van had driven the group to Deerfield to vote. I was personally contacted by several individuals who voted from that fictitious address after I posted their names online. I was told they were in NH working on trails and they voted were the van took them.

This incident set CNHT on the path of collecting what is now 17 years, and counting, many examples of out-of-state voting by transient campaign workers, college students, absentee ballot voters, and any other form of voter fraud we discovered.

One of the first things we recognized is that the NH Attorney General's Office, Election Division is not interested in investigating any complaints brought to them by people we know and work with.

The so-called investigations over the last 17 years, conducted by the NH AG's Office, Elections Division, are at best a simple phone call, visit with a subject where no evidence or meaningful statements are gathered, or even questions asked, which would provide evidence of voter fraud. It appears to be the most simplistic form of whitewash the investigators could come up with and still have it resemble

an investigation. And the published reports of those investigations provide less information each year.

The sad part about the 19 illegal votes cast in Deerfield from a fictitious address was that the local officials were ignored by the NH AG Election Division and had nowhere else to turn but to a local taxpayer group for help.

This has been a constant theme of most of the General Elections in NH since 2000, as well as a constant attempt by the legislature and various governors to strip transparency from elections in NH. This should concern anyone who wants fair elections for Federal Office as well as state and local races.

Another constant and major problem with NH's failure to limit elections in NH to qualified voters is the almost laughable inability to determine what the word domicile means. Our courts cannot seem to use the standard definition found in legal dictionaries they use in other cases, and now we see in NH AG investigations and court cases, a new simpler and unconstitutional standard of a "presence" in NH to vote. Without a legislative change, NH has adopted "establishing a presence" as the new domicile standard.

This submission of evidence, court cases, news accounts, statutes, and public documents by CNHT is meant to show the Election Integrity Commission that to assure NH citizens our Federal Elections held in NH are limited to only qualified NH voters – the US Attorney must step in. NH has shown no ability to clean up its elections on its own.

Ed Naile

Chair, CNHT

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Applicable Statutes and Constitutional Requirements of Elections in New Hampshire

NH State Constitution Regarding Elections

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile. (First sentence)

NH Statutes Regarding Domicile

Statutory Construction

Section 21:6

21:6 Resident; Inhabitant. – A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled or has a place of abode or both in this state and in any city, town or other political subdivision of this state, and who has, through all of his actions, demonstrated a current intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others.

Source. RS 1:5. CS 1:5. GS 1:6. GL 1:6. PS 2:6. PL 2:6. RL 7:6. RSA 21:6. 1981, 261:1, eff. June 16, 1981.

21:6-a Residence. – Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

Source. 1981, 261:1, eff. June 16, 1981.

Motor Vehicle

259:23 Domicile. – "Domicile" shall mean a natural person taking up residence in a town or city within the state and includes but is not limited to occupying a primary place of habitation, placing children in a public school within the state,

accepting gainful employment, or being a registered voter liable for a resident tax, provided, however, that **no person shall be considered to be domiciled in this state who simultaneously claims residence in any other state for any of the purposes indicated above.** In the case of other than a natural person, domicile shall also apply in the case of vehicles principally garaged or kept on the premises of a firm or corporation with a place of business within the state.

Source. RSA 259:1, XXXVII. 1979, 135:4. 1981, 146:1, eff. Jan. 1, 1982.

Black's Law Dictionary Definition of Domicile (Black's used by NH Supra for determining meaning of words in question.)

That place in which a man has voluntarily fixed the habitation of himself and family, not for a mere special or temporary purpose, but with the present intention of making a permanent home, until some unexpected event shall occur to induce him to adopt some other permanent home. In re Garneau, 127 Fed. G77, 02 C. C. A. 403. In its ordinary acceptation, a person's domicile is the place where he lives or has his home. In a strict and legal sense, that is properly the domicile of a person where he has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning. Anderson v. Anderson, 42 Vt. 350, 1 Am. Rep. 334. Domicile is but the established, fixed, permanent, or ordinary dwelling-place or place of residence of a person, as distinguished from his temporary and transient, though actual, place of residence. It is his legal residence, as distinguished from his temporary place of abode; or his home, as distinguished from a place to which business or pleasure may temporarily call him. Salem v. Lyme, 29 Conn. 74. Domicile is the place where a person has fixed his habitation and has a permanent residence, without any present intention of removing therefrom. Crawford v. Wilson, 4 Barb. (N. Y.) 504, 520. One's domicile is the place where one's family permanently resides. Daniel v. Sullivan, 40 Ga. 277. In international law, "domicile" means a residence at a particular place, accompanied with positive or presumptive proof of intending to continue there for an unlimited time. State v. Collector of Bordentown, 32 N. J. Law, 192. **"Domicile" and "residence" are not synonymous. The domicile is the home, the fixed place of habitation; while residence is a transient place of dwelling. Bartlett v. New York. 5 Sandf. (X. Y.) 44. The domicile is the habitation fixed in any place with an intention of always staying there, while simple residence is**

much more temporary in its character. New York v. Genet, 4 Ilun (N. Y.) 4S9. Classification. Domicile is of three sorts.

Law Dictionary: What is DOMICILE? definition of DOMICILE (Black's Law Dictionary)

NH Voter Registration

654:7 Voter Registration; Voter Registration Form. –

I. Any person registering to vote shall be:

- (a) At least 18 years of age on the day of the next election; and
- (b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in subparagraph IV(b), unless the person is registering at the polling place on the date of a state general election. If an applicant is registering at the polling place on the date of a state general election and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore be relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes.

IV. (a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates other than those at the polling place on the date of a state general election, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my **voting domicile** to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name _____

Last (suffix) First Full Middle Name

2. Domicile Address _____

Street Ward Number

Town or City Zip Code

3. Mailing Address if different than in 2 _____

Street

Town or City Zip Code

4. Place and Date of Birth _____

Town or City State

Date _____

5. Are you a citizen of the United States? Yes _____ No _____

If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote _____

Street Ward Number

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be **domiciled** in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on

election day, that I have not voted and will not vote at any other polling place this election.

Date Signature of Applicant

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates at the polling place on the date of a state general election, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date _____

VOTER REGISTRATION FORM

FOR USE AT THE POLLING PLACE ON THE DATE OF THE STATE
GENERAL ELECTION

(Please print or type)

1. Name _____

Last (suffix) First Full Middle Name

2. Domicile Address _____

Street Ward Number

Town or City Zip Code

3. Mailing Address if different than in 2 _____
Street

Town or City Zip Code

4. Place and Date of Birth _____

Town or City State

Date _____

5. Are you a citizen of the United States? Yes _____ No _____

If a naturalized citizen, give name of court where and date when
naturalized _____

6. Place last registered to vote _____

State Ward Number

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State

If you do not have a valid driver's license, provide the last four digits of your
social security number _____

My name is _____. I am today registering to vote in the
city/town of _____, New Hampshire. If a city, ward number
_____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I
must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date Signature of Applicant

If this form is used in place of proof of identity, age, citizenship, or domicile, I hereby swear that such information is true and accurate to the best of my knowledge.

This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):

Identity yes/no _____

(initials)

Citizenship yes/no _____

(initials)

Age yes/no _____

(initials)

Domicile yes/no _____

(initials)

Applicant Election Official

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Source. 1979, 436:1; 373:1. 1983, 475:1. 1990, 119:1. 1998, 194:2. 2003, 289:25. 2007, 10:1. 2012, 285:2. 2014, 260:1, eff. July 28, 2014. 2016, 185:1, eff. Aug. 2, 2016; 190:1, eff. Aug. 2, 2016.

654:12 Determining Qualifications of Applicant. –

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, a sworn statement on the general election day voter registration form, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared

_____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

[] Identity

[] Citizenship

[] Age

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the general election day voter registration form.

(c) DOMICILE. Any reasonable documentation which indicates that the applicant **has a domicile and intends to maintain a domicile**, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a sworn statement on the general election day voter registration form, or an affidavit in the following form, which shall be retained in accordance with RSA 33-A:3-a:

DOMICILE AFFIDAVIT

Date:

Name: _____

Current Domicile Address: _____

Street Ward Number

Town or City Zip Code

Current Mailing Address (if different): _____

Street Ward Number

Town or City Zip Code

Telephone number (requested but optional) _____

Email address (requested but optional) _____

Date when current domicile was established: Month: _____ Year: _____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person

whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

(1) New Hampshire driver's license.

(2) New Hampshire vehicle registration.

(3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a qualified voter, domicile, or election day affidavit or a sworn statement on the general election day voter registration form:

(1) Photo driver's license issued by any state or the federal government.

(2) United States passport, armed services identification, or other photo identification issued by the United States government.

(3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence

used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the general election day voter registration form. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

IV. Any person who is applying for registration as a voter and who is currently registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.

V. (a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without

presenting an approved photo identification shall be entered first. The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a domicile affidavit or a sworn statement on the general election day voter registration form.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at any election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed by January 10 in every odd-numbered year in the case of persons registering at a state primary or general election, or within 90 days after any other election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (b) and have not confirmed their registration. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing domicile affidavits and sworn statements on the general election day voter registration form since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the

election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

(e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office to be referred to the attorney general and the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

(f) Upon completion of any investigation authorized under this section, the attorney general shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

Source. 1979, 436:1. 1990, 119:8. 1992, 287:6, 7. 1994, 4:3. 1996, 169:1. 2003, 289:29. 2006, 300:1. 2009, 278:1. 2010, 172:4, 5. 2011, 192:1. 2012, 285:3-7. 2014, 260:2-6, eff. July 28, 2014;
319:4, 8, 9, eff. Sept. 30, 2014.

In regards to the above cited statute:

The NH Attorney General's Office Elections Division has lost control of the process of investigating same day voters who show up at the polls in Federal Elections without any form of identification and then fill out a domicile affidavit. Thousands have been ignored since 2012.

<https://patch.com/new-hampshire/concord-nh/investigation-voter-affidavit-fraud-abandoned-nh-ag>

This reporter has more articles about NH's lax voting procedures listed at the bottom of his articles.

Federal Court Case Involving Student Voters 1972

Newburger v. Peterson

<https://www.leagle.com/decision/1972903344fsupp5591818.xml>

Which says in part:

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

We are sensitive to the compelling need "to preserve the basic conception of a political community". *Dunn v. Blumstein*, supra, 92 S.Ct. at 1004. But the challenged New Hampshire law forces persons who are in every meaningful sense members of New Hampshire political communities to vote in communities elsewhere which they have long departed and with whose affairs they are no longer concerned, if indeed the former community still recognizes the right.”

Annamarie Guare v. State of NH Superior

<https://www.aclu-nh.org/sites/default/files/wp-content/uploads/2014/03/Second-Amended-Petition.pdf>

Superior Court hears case of out of state students who intend to keep out-of-state driver licenses from home state, who claim right to vote in NH.

Judge invents new legal terms “mobile domiciliaries” and “voting domiciles.”

Also: Having a domicile, as per statute and the State Constitution is now, by court fiat, become a “physical presence” test. These voters are not qualified voters domiciled in NH for Federal Elections.

Some highlights:

“4. New Hampshire's law governing eligibility to vote does not require

voters to be "residents" of the state as defined in RSA 21:6 or RSA 259:88.

Specifically, unlike the requirements to be "resident" under those statutes, a New Hampshire voter need not have a "current intent" to maintain his "principal place

of physical presence" in New Hampshire for the indefinite future.”

“PARTIES

10. Petitioner Annemarie E. Guare lives at 17 Demeritt Circle, Durham, New Hampshire (with a mailing address of 83 Main Street, GSS Box. 7149, Durham, New Hampshire). She is 19 years of age and is a citizen of the United States. In August 2012, she came from 39 James St., Bangor, Maine, to New Hampshire, in order to attend school at the University of New Hampshire. She expects to finish school in December of 2015 and does not currently intend to remain in New Hampshire after graduation. She is licensed to drive in Maine. (See supplemental appendix A-2 attached to First Amended Petition for sworn affidavit). She intends to vote in New Hampshire in the upcoming general election.'

11. Petitioner Garret Healey lives at 2 Everett Street in Dover, New Hampshire. He is 21 years of age and is a citizen of the United States. In August 2010, he came from 12 Robin Road, Wakefield, Massachusetts, to New Hampshire, in order to attend school at the University of New Hampshire. He expects to finish school in May of 2014 and does not currently intend to remain in New Hampshire after graduation. He is licensed to drive in Massachusetts. (See supplemental appendix A-3 attached to First Amended Petition for sworn affidavit). He intends to vote in New Hampshire in the upcoming general election to the extent he continues to maintain a single, continuous physical presence in New Hampshire at the time of the election.”

Comment:

As you can see, this judge uses “physical presence,” not the word domicile in his ORDER. This is a **special privilege** given to college students – paying out-of-state

tuition, as well as transient out-of-state campaign workers, both of whom can keep out-of-state driver's licenses

The Attorney General's Election Division used this same new interpretation of black letter law

It is a violation of the Fourteenth Amendment Rights of any qualified NH voter to deliberately have, through the Court's re-interpretation of our State Constitution, to have separate standards for voters in Federal elections.

Annamarie Guare v. State of NH Supra Appeal May 15, 2015

<http://caselaw.findlaw.com/nh-supreme-court/1701176.html>

State argues that adding language that specifies existing law regarding domiciled (qualified) voters having to comply with all NH laws, such as obtaining a driver's license, helps NH comply with HAVA.

NH Supra not convinced. Here is the decision in part:

“Moreover, even if complying with HAVA had been the State's actual interest in enacting Laws 2012, 285:2, the State has failed to establish that the challenged language is actually necessary or that it actually addresses that interest. As the State conceded at oral argument, no provision of HAVA requires the challenged language to be included in the voter registration form. Rather, HAVA, which was originally enacted in 2002, requires each State to implement “a single, uniform, official, centralized, interactive computerized statewide voter registration list . that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C.A. § 21083(a)(1)(A). In addition, HAVA requires that the statewide voter registration list “be coordinated with other agency databases within the State.” 52 U.S.C.A. § 21083(a)(1)(A)(iv). HAVA provides that the State's chief election official and the State official responsible for the motor vehicle authority must “enter into an agreement to match information” in the statewide voter registration system “with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.” 52 U.S.C.A. § 21083(a)(5)(B)(i). Under HAVA, “an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the

application includes” the applicant's driver's license number or, if the applicant lacks a current and valid driver's license, the last four digits of the applicant's social security number. 52 U.S.C.A. § 21083(a)(5)(A)(i).

Thus, not only has the State failed to establish that the challenged language is necessary to comply with HAVA, but it also has failed to demonstrate that the challenged language actually addresses HAVA compliance. Accordingly, because the challenged language unreasonably burdens the fundamental right to vote, and because, even if we assume that the burden is not severe, the State has failed to advance a sufficiently weighty interest to justify the language, we affirm the trial court's determination that the challenged language violates Part I, Article 11 of the State Constitution.”

Both cases attempt to legitimize clearly non-citizen voters and hinder any legislative attempt at seeing only qualified voters in NH vote in Federal Elections.

(From the NH Secretary of State Web Site 9/4/2017)

VOTING AS A COLLEGE STUDENT IN NEW HAMPSHIRE AND VOTER REGISTRATION

I. Introduction

Voting is a fundamental right and a responsibility of citizens in our democracy. Under Part I, Article 11 of the New Hampshire Constitution, every inhabitant of the State of New Hampshire, who is a United States citizen and age 18 or older, is qualified to vote in New Hampshire. Voting is the most important right because it is the right by which citizens protect all other rights.

II. College Student Voting

New Hampshire election law provides college students with a special privilege when determining where they register to vote. A college student in New Hampshire may choose as his/her voting domicile, either the domicile he/she held before entering college or the domicile he/she has established while attending college. New Hampshire law provides the following definition of domicile:

An inhabitant's domicile **for voting purposes** is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.

Under no circumstances may college students retain two voting domiciles. Like any other citizen, college students have only one voting domicile and may only cast one vote in any election. A student of any institution may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of the paragraph above.

The following is not legal advice and is meant only to provide you with information that may help you make an informed decision regarding where to vote. If you have questions, you are encouraged to consult with your parents, legal

advisor or college officials. Changing your legal address may impact other things such as:

Health insurance – most health insurance is not affected. If you obtain insurance through a family plan that requires your legal domicile to be your family residence, you may want to check with your family or your insurance agent.

Car insurance – usually affected only if you obtain insurance through a family plan that requires your legal domicile to be your family residence. Check with your family or your insurance agent.

Taxes – only individuals with significant assets or tax liabilities might be affected. If you are in this category, you may want to check with your tax advisor.

Any scholarship or grant that is conditioned on your being and remaining at a legal resident of a particular town/city or state. Financial aid officers report that major student loan and grant programs including Pell, Perkins, Stafford, PLUS, SEOG, and Federal work study are not affected. Check with your financial aid officer.

Many legal interests, such as your in-state versus out-of-state tuition status is not affected by establishing your voting domicile in the municipality where you live while attending college.

If you have questions about the election laws, the complete laws are available at www.state.nh.us/sos/statutes.htm Questions may also be directed to the Secretary of State's Office at 603-271-3242 or to your town/city supervisors of the checklist or clerk. If you believe your rights as a voter are being denied you may file a complaint with the Attorney General's Office by calling toll free 1-866-868-3703 (1-866-voter03).

III. Registering to Vote

While voting is a right, the law imposes on every person who wants to vote a duty to prove that he or she is qualified. Proving that one is qualified to vote occurs during the registration process.

Provided you bring the correct documents with you, registering to vote is a quick and easy process. You may register in person at the town or city clerk's office for the town or city where you have established your voting domicile up to 10 days prior to the election or on election day at your polling place. To help facilitate the process, each applicant should bring documents which can prove identity, domicile, citizenship and age. The law treats a New Hampshire driver's license,

non-driver ID, or other government issued photo identification that lists your name and the address you claim as your voting domicile, or vehicle registration form as presumptive evidence of your domicile, and will generally be accepted as proof of age and identify. If you are licensed to drive in New Hampshire or have a vehicle registered in New Hampshire, these are the most helpful documents to bring with you. Other documents which may prove these requirements are: state or federally issued driver's license, U.S. Passport; Armed Services Identification; identification issued by the Federal government; or photo identification issued by any state government.

Any of the following forms of identification may be used to prove identity, domicile, citizenship and age (this is not an exclusive list):

Identity

Driver's license (New Hampshire or out-of-state); a U.S. or state-issued photo ID; a U. S. passport, or any other proof determined reasonable by the supervisors of the checklist.

The Federal Help America Vote Act (HAVA) requires each person applying to register to vote to provide a driver's license or non-driver ID number (if the voter has a license or non-driver ID from any state) or, only if the voter is not licensed to drive or does not have a state issued non-driver identification, the last four digits of his/her social security number. Federal law requires that the validity of the registration information provided be checked against the information on file with the Department of Motor Vehicles or the Social Security Administration.

Age

Birth certificate (or copy); U. S. passport; driver's license; or non-driver identification.

U.S. Citizenship

Birth certificate (or copy); U.S. passport; or qualified voter affidavit.

Domicile

New Hampshire driver's license listing the address the voter claims as his/her voting domicile; motor vehicle registration; or government issued photo ID with current address; any other proof accepted as reasonable by the supervisors of the checklist or a domicile affidavit.

Check with the town or city clerk in the municipality where you plan to register to determine if that town/city has adopted a list of alternative documents that will be accepted as presumptive proof of domicile. Some towns accept forms issued by your college or university. You can find your clerk's contact information here.

If you do not have these forms of identification which prove identity, domicile, citizenship and age or all of these, you may complete a domicile affidavit, and/or a qualified voter affidavit.

IV. Voting Absentee

New Hampshire law permits a qualified voter, who is a college student attending college outside their home town in New Hampshire, to register and vote by mail.

To register, the student must complete an absentee voter application and a voter registration form obtained from the clerk's office for the town/city where the student's voting domicile is established. A person can register absentee only if he or she does not intend to be in that town when the clerk's office is open, or by reason of a physical disability is unable to attend a meeting of the supervisors of the checklist at any time prior to the election. Otherwise, if the student will be in town and can register in person, the student is required to do so.

In most cases, college students who vote by absentee ballot do so because they are absent from their town or city on election day. To vote absentee, the student must complete an application for an absentee ballot. That application is available from the town/city clerk or on the Secretary of State's website.

Registered voters in New Hampshire may vote absentee if the voter:

plans to be absent on the day of the election from the city, town or unincorporated place in which the voter maintains his or her voting domicile;

cannot appear in public on election day because of observance of a religious commitment;

is unable to vote in person due to a disability; or

cannot appear at any time during polling hours at his or her polling place or to be in transit from work from the time the polls open until after the time the polls close.

Students attending college in New Hampshire from other states may also have the right to vote by absentee ballot from their hometown in their home state. If you are

considering requesting an absentee ballot from any state, including New Hampshire, you should check with the town or city clerk or another appropriate local election official to determine the timeline for requesting and submitting such ballot.

What UNH Requires of In-State Students – A Notarized Domicile Statement With Specific, Detailed Documentation. The word “domicile” is used in the in-state tuition form and would require each student to understand the word. Why the word domicile is suddenly so hard to understand when it comes to voting begs the question:

Is the supposed lack of comprehension of a simple word just a ploy to allow special interests

THE UNIVERSITY OF NEW HAMPSHIRE Application for In-State Status INSTRUCTION SHEET

All students applying for in-state status for tuition purposes must fully complete the attached application (including supporting documents) before it will be accepted. Providing full information will aid in presenting clear and convincing evidence of your status. In cases where the question is not applicable, write “NA” in the space provided. Information that is provided should support that the student or parent has established his/her residence and domicile in New Hampshire for some purpose other than the temporary or primary one of obtaining an education. The rules and regulations of the residence requirements specify that the burden of proof is on the student. You may attach a letter of explanation or additional documents to support your application.

Dependent Students (portions of form must be completed by parent(s)) NOTE: Students whose parents are divorced or separated may apply for in-state status if either the parent having custody or the parent providing more than one-half of the student’s support is a New Hampshire resident. 1. Complete questions 1-9 and question 12 yourself. Have your parent’s complete questions 13, 14, 15, 16, 17 and

18. Sign the form and have it notarized. (The domicile of a dependent student, for tuition purposes, is that of his/her parents.) 2. Attach a notarized letter from your parents including statements that their permanent and primary residence is in New Hampshire, that they maintain a home for the applicant, and that the applicant is their dependent. In addition, the letter should state the date and purpose of the parents' move to New Hampshire. 3. Attach the following documents. 1. Statement from Town Clerk or Town Registrar indicating original date(s) of parents' voter registration. In cases where they have registered in more than one town, a statement from each clerk is required. 2. Receipt or notarized statement indicating when and where N.H. Resident Tax was billed and paid. If your community does not have a Resident Tax, please indicate on form. 3. Copies of the student's Federal Income Tax return as well as that portion of the parents' Federal Income Tax return that lists dependents claimed for the most recent year. 4. A copy of all support or custody decrees and appropriate sections of wills and trusts being used to support this application. In the case of wills, include address of Probate Court and in the case of Trusts, provide the name and address of the trustee. 5. A photostatic copy of any N.H. driver's licenses and/or vehicle registration(s).

Independent Students 1. Complete the application, sign and have form notarized. 2. Attach the following documents: 1. Statement from Town Clerk or Town Registrar indicating original date(s) of voter registration. In cases where you have registered in more than one town, a statement from each clerk is required. 2. Receipt or notarized statement indicating when and where N.H. Resident Tax was billed and paid. If your community does not have a Resident Tax, please indicate on form. 3. Copies of the student's Federal Income Tax return as well as that portion of the parents' Federal Income Tax return that lists dependents that have been claimed for the most recent year. 4. A copy of all support or custody decrees and appropriate sections of wills and trusts being used to support this application. In the case of wills, include address of Probate Court and in the case of Trusts, provide the name and address of the trustee. 5. A photostatic copy of any N.H. driver's licenses and/or vehicle registration.

Married Students 1. Complete application, sign, and have form notarized. You may be eligible for in-state status if you have established a domicile in New Hampshire or if your spouse has been domiciled in New Hampshire for at least 12 months. 2. If you are applying for in-state status based on your own domicile in New Hampshire, please attach the following documents: 1. Statement from Town Clerk or Town Registrar indicating original date of voter registration. 2. Receipt or

notarized statement indicating when and where resident N.H. Resident Tax was billed and paid. If your community does not have a Resident Tax, please indicate on form. 3. Copy of your most recent Federal Income Tax return. 4. A photocopy of any N.H. driver's licenses and/or vehicle registration(s). 5. Copy of Marriage license or certificate. 3. If application is based on spouse's residency, attach the documents listed above for the resident spouse and a letter from spouse including statement that his/her primary residence is in New Hampshire and stating date and purpose of the spouse's move to New Hampshire.

Completed applications should be returned to: Residency Officer Office of the Registrar 11 Garrison Avenue Durham, New Hampshire 03824-3511

Rev. Oct. 2006

RULES AND REGULATIONS

RULES GOVERNING TUITION RATES FOR THE UNIVERSITY OF NEW HAMPSHIRE

I. BASIC RULE All students attending any division of the University of New Hampshire in any capacity shall be charged tuition at a rate to be determined by their domicile. Those domiciled within the State of New Hampshire shall pay the in-state rate. Those domiciled elsewhere shall pay the out-of-state rate. II.

DETERMINATION OF TUITION RATES A. In-State: The Board of Trustees shall fix the In-state tuition rate annually on the basis of their projected budget including as part of said budget the applicable funds made available by the Legislature in its biennial budget. Out-of-state: In accordance with the policy established by the Legislative Budget Act, the out-of-state tuition rate shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs, including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds), as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which tuition is to be charged, all in accordance with the established accounting practices of the University System. III. DETERMINATION OF STUDENT STATUS A student shall be classified as in-state or out-of-state for tuition purposes at the time of his/her admission to the University. The decision shall be made by the Dean/Director of Admissions of the appropriate division in the first instance based upon information furnished by the student's application and other relevant information available to the Dean/Director. IV. REVIEW OF STUDENT STATUS a) Any student who is aggrieved by the decision of the dean or director of

admissions classifying him/her as an out-of-state student for tuition purposes may appeal to the campus residency officer on forms and in accordance with procedures which shall be made available to the student in the office of the registrar or dean or director of admissions. Any student aggrieved by the campus residency officer's decision may appeal that decision to the University System Residency Appeals Board. b) The student may present to the University System Residency Appeals Board such additional evidence as he/she may deem appropriate in processing his/her appeal and may appear before the Board and be heard. The decision of the University System Residency Appeals Board shall be the final decision of the University System. c) The University System Residency Appeals Board shall be comprised of three members who shall be designated by the presidents of each of the System's three residential campuses. At the first meeting of each academic year the Board members shall designate one member to serve as chair for the remainder of the academic year and until a successor has been designated for the following year.

V. CHANGE IN STATUS Any student who has on his/her first admission to the University System been classified as out-of-state for tuition purposes may apply to the campus residency officer for a change of status on or before September 1 of any year for the Fall semester, and on or before January 1 of any year for the Spring semester. Applications shall be considered in the chronological order in which they are presented. No changes approved during a semester shall be effective until the beginning of the next following semester. Provided, however, that where a change of status from out-of-state to in-state has been denied by the campus residency officer prior to the commencement of a semester, and his/her decision is reversed by the University System Appeals Committee during the semester, the student's status shall be effective as of the commencement of the semester. In the event the campus residency officer possesses facts or information indicating that a student's status should be changed from in-state to out-of-state, the student shall be informed in writing of the change in status. The student may appeal the decision as hereinabove set forth. No such change made by the residency officer after commencement of any semester shall be effective until the beginning of the next semester. Changes to out-of-state made by the residency officer prior to the commencement of any semester, but reversed during the semester by the Appeals Committee, shall be effective as of the commencement of the semester.

VI APPLICATION FORMS Each applicant for in-state status for tuition purposes shall submit an application on forms to be prescribed by the Dean or Director of Admissions or campus residency officer which shall include a sworn statement that the applicant is legally domiciled within the State of New

Hampshire. The application shall also include such additional information as the Dean/Residency Officer may require in support of the affidavit of domicile. In his/her discretion, the Dean/Residency Officer may require resubmission of an application form from any in-state student prior to the commencement of each semester the student plans to attend the University.

VII SUBSTANTIVE RULES

In all cases of application for in-state status for tuition purposes, the burden of proof shall be on the applicant. At the applicant's request, the Dean/ Director of Admissions/Residency Officer shall state the reason or reasons for his/her decision in writing. For purposes of determining tuition status, the following definitions and rules shall prevail.

A. The term "parent" shall mean a person's father; or if s/he has no father, his/her mother; or in case of separated or divorced parents, "parent" shall mean either a parent with legal custody or a parent providing more than one-half of a student's total financial support; or if there is a guardian or legal custodian, "parent" shall mean guardian or legal custodian provided there are no circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

B. No person shall be eligible for in-state status unless s/he is domiciled within New Hampshire. For University System purposes, a person does not acquire a domicile in New Hampshire until s/he has been a resident of the state for twelve consecutive months immediately preceding registration for the term for which in-state status is claimed and meets all other requirements for domicile.

C. No unemancipated person shall be eligible for in-state tuition unless his/her parents shall have established domicile in this state.

D. No person shall be eligible for in-state tuition unless s/he establishes that his/her residence in New Hampshire is for some purpose other than the temporary or primary one of obtaining an education.

E. "Domicile" denotes a person's true, fixed and permanent home and place of habitation. It is the place where s/he intends to remain and to which s/he expects to return when s/he leaves without intending to establish a new domicile elsewhere. However, when a person has established eligibility for in-state tuition based on his/her parent's domicile and the parent subsequently establishes domicile outside of New Hampshire, the student shall be eligible for in-state tuition for one academic semester following the academic semester during which the parent established out-of-state domicile. All evidence relevant to determining domicile may be considered, but the following indicia shall, in any case, be relevant, without limiting in any way such other information as the applicant may wish to submit or the Dean/Director or Residency Officer may wish to require:

1. Payment or non-payment of any tax levied by the state or

any political subdivision on persons resident or domiciled thereon. 2. Residence reported on any federal or state tax return. 3. Registration of one's automobile. 4. State issuing one's driver's license. 5. Receipt of support in whole or in part from parents who are resident or domiciled outside the State of New Hampshire. 6. Voting residence. 7. Claim by any non-resident parent that the applicant is a dependent for tax purposes or any other financial purpose. F. Unless the contrary appears to the satisfaction of the Dean/Director of Admissions in individual cases, the following presumptions shall prevail: 1. The domicile of an unemancipated person is that of his/her parents or if parents are separated or divorced, that of the parent who has custody of him/her or that of the parent providing more than one-half of the student's total financial support. 2. The domicile of an unemancipated person who has no parents is that of his/her guardian or other legal custodian, unless it appears that such guardianship or custodianship was created for the purpose of establishing an in-state-status. 3. The domicile of any person who first enters the University from the domicile of his/her parent, as defined in subparagraph A above, is that of his/her parent until s/he abandons such domicile, and, for purposes other than that of his/her education, acquires a new domicile. G. No person shall be deemed to be emancipated unless his/her parent, as defined in subparagraph A above, has entirely surrendered the right to the care, custody and earnings of such person and unless his/her parent is no longer under any legal obligation to support or maintain such person or, having supported and maintained such person even though under no legal obligation to do so, has ceased to support or maintain such person. Emancipation shall not be found unless all such tests are met. The following shall be indicia of emancipation, but shall not be exclusive, and other evidence may be submitted by an applicant and demanded by the Dean/Director of Admissions or Residency Officer. 1. Lack of financial support by the parent; 2. Lack of contribution to the parent of any earnings or other income received by the person; 3. Failure of the parent to claim the person as a dependent on his/her income or other tax returns/ VIII. WAIVER Nothing contained in these rules shall preclude the Dean/Director or Residency Officer from waiving any requirement hereof under special circumstances in individual cases. IX. Any member of the Armed Forces of the United States stationed in this state under military orders shall be entitled to classification for him/herself, spouse and dependent children as in-state for tuition purposes so long as the member remains on active duty in this state pursuant to such orders. 4. The domicile of any person who first enters the University System from a domicile other than New Hampshire is such a domicile until s/he abandons such domicile and, for purposes other than

that of his/her education acquires a new domicile. 5. Attendance at the University or any other educational institution in this state in itself shall not be evidence of intention to establish or establishment of a domicile in this state. 4. Establishment by the person of a domicile separate and apart from that of the parent; 5. Failure of the person to return to the home of the parent during vacations and other recesses from school. 8. Regular departure by an applicant from the State of New Hampshire during recesses or vacations from the University System. 9. The filing of any claim for benefits under any policy of insurance or federal, state, or local benefit legislation based on residence or domicile outside the State of New Hampshire. 10. Status in some other state which would qualify a person for in-state tuition in that state.

UNIVERSITY OF NEW HAMPSHIRE Application for In-State Status

Type or Print Clearly

Date _____ Ms. Miss Mrs. Name Mr.

(Last) (First)
(Middle)

Student ID Number

College Address

(Street) (City)
(State) (Zip) (Telephone)

Home Address

(Street) (City)
(State) (Zip) (Telephone)

Secondary School

Attended: _____
(name and address)

Age _____ Graduation Date

_____ Date of Birth

_____ Marital Status

_____ Is spouse a New Hampshire resident? _____

I am applying for resident status beginning: Fall Spring
Summer 20_____

Have you applied for in-state residency before? If yes, give date

1. On what date did you first move to N.H.? _____
Why did you move here?

2. First entered or will enter the University System of N.H.

_____ (year)

Non-degree candidate Degree candidate
(Circle one of the above)

College or School _____

Major _____

3. Have you been continuously enrolled each semester since then?
_____ If not, please explain

4. Please list below, in chronological order, all schools attended and jobs held since your graduation from high school (or for the last 5 years, which ever is less).

Dates Occupation Company or School Address Fulltime Parttime

5. Has your residence in the state of N.H. been interrupted at any time since it began? If so, list when and length of time out of state and reason for your absence (vacation, employment, etc.).

6. Please list times and places you have registered to vote for the past four years.

Year Date Registered Town or City

7. List the state(s) and years in which you have filed a federal income tax return for the last four years:

State Month and Year Filed For the Year Of:

8. List the state(s) in which your parents or legal guardian are registered to vote

9. Were you claimed as an exemption by either or both parents or any person (except spouse) on their last federal income tax report?

_____ Year you were last claimed:

10. Expenses and income for the past year (not required for dependent student)

A. List your expenses (in dollars) here: Fall Spring Summer Total Tuition and Fees
Books and Supplies, etc. Living Expenses (Rent, Food, etc.) Transportation
Insurance (Car) (Health) Miscellaneous (Specify)

Total of Expenses _____

B. SOURCES OF INCOME (in both dollars and as a per cent)

Percentage Fall Spring Summer Total Parents Other Relatives Earnings Personal
Savings Trust Funds Financial Aid Awards Other (Specify)

TOTAL % _____ TOTAL INCOME \$

C. If financial aid included a Guaranteed Student Loan, please provide name and address of lending institution:

11. Anticipated expenses and income for the coming year (not required for dependent students)

A. List your expenses (in dollars) here: Fall Spring Summer Total Tuition and Fees
Books and Supplies, etc. Living Expenses (Rent, Food, etc.) Transportation
Insurance (Car) (Health) Miscellaneous (Specify)

TOTAL OF ESTIMATED EXPENSES \$ _____

B. SOURCES OF INCOME (include amounts from your family, work, etc.)

Percentage Fall Spring Summer Total Parents Other Relatives Earnings Personal
Savings Trust Funds *Financial Aid Awards Other (Specify)

TOTAL % _____ TOTAL ESTIMATED INCOME \$

*Indicate Source of Awards

C. If financial aid includes a Guaranteed Student Loan, name and address of lending institution. _____

12. Are you being supported pursuant to a custody order? _____ When will such support cease? _____

INDEPENDENT/MARRIED STUDENTS – ANSWER QUESTIONS 13-18 YOURSELF. DEPENDENT STUDENTS – HAVE YOUR PARENT(S) ANSWER QUESTIONS 13-18.

13. Do you own property anywhere? _____ If yes, indicate when property was acquired. Date: _____

Location & Description of Property:

14. Have you paid property tax? _____ If yes, when and where? Date of Payment _____ Where

15. Have you paid N. H. resident tax? _____ Date of first payment: _____

16. Do you rent a home or apartment? _____

If so, where?

How long have you resided there? _____

Is the lease in your name? _____ If not, explain.

17. Please list all driver's licenses held within the past four years including the states from which acquired and the date of acquisition, and whether they are presently valid.

Date State(s) Valid Invalid

18. If you have a car, in what state is it registered?

a. Date of registration validation _____

The information supplied above is correct to the best of my knowledge and belief.

Signed: _____ (To be signed in presence of Notary Public)

Notarization: (to be completed by Notary Public)

Subscribed and sworn to before me this _____ day of _____, 20____. _____ (Notary Public)

County _____ State

_____ My Commission Expires

OFFICE USE ONLY:

APPROVED DENIED DATE: _____ BY:

Out of State Students Have Special Privileges Regarding the 25% Limit on Enrollment. RSA 187-A:10 is Waived by the Trustees Every Year. 2016-17 Out-of-State Enrollment is 52%

University of New Hampshire

Section 187-A:10

187-A:10 Out-of-State Students. – The number of undergraduate students enrolled in the university of New Hampshire from domiciles outside the state in any year shall not exceed 25 percent of the maximum capacity for regular undergraduate students at the university as determined by the board of trustees. The limitation on out-of-state enrollment at the university may be suspended by vote of the board of trustees whenever the trustees find that such suspension benefits the state and the university without impairing the opportunity for qualified students of the state of New Hampshire to attend the university. **However, any such suspension shall be made for not more than one year at a time but may be continued from year to year upon vote of said trustees.** The limitation on out-of-state enrollment at the university of New Hampshire shall not apply to the following divisions of the university: Thompson school of applied science, summer school and graduate school. Nor shall the limitation apply to students attending the university under reciprocal agreements and contracts with other educational institutions.

Source. 1981, 331:1, eff. Aug. 16, 1981.

Special Privileges for Non-Citizen Students

The college trustees issue waivers every year, and have for many years – making the law irrelevant. Out of state students are then encouraged to vote in NH from their “**voting domiciles**” taking advantage of their “**special privileges**” mentioned on the NH Secretary of State website as well as numerous fliers posted on campuses by special interest groups during elections. Recruiters from get out the vote organizations stalk NH campuses telling students they can vote here. Local election officials give vague, conflicting advice about domicile requirements as seen in the *Project Veritas* videos.

<https://www.bing.com/videos/search?q=project+veritas+videos+nh&docid=608029622643002236&mid=5D4FDA037F894D5B14385D4FDA037F894D5B1438&view=detail&mmscn=vidans&FORM=VIREHT>

Out-of-State College Voters – Because They have No NH ID Such as a NH Driver License Cannot be Allowed to Sit on a NH Jury as a Domiciled NH Citizen is Required to Do.

This gives out-of-state students another “special privilege” beyond deciding in which state their vote counts more, having two domiciles to choose from,

Section 500-A:1 Juries

500-A:1 Definitions. – In this chapter:

I. "Clerk" means the clerk of the superior court in each county or judicial district or any of his deputies.

II. "Court" means the superior court and regional jury trial courts.

III. "Department" means the New Hampshire department of safety.

IV. "Master jury list" means the list blended and compiled from the voter lists, which shall be provided by the secretary of state pursuant to RSA 654:45, VI on encrypted removable media, and from the official record of persons 18 years of age or older who hold a current New Hampshire driver's license or a department of safety identification card, which shall be provided by the department. Information contained in the master jury list shall be private and confidential and shall not be subject to RSA 91-A.

V. "Office" means the administrative office of the courts.

VI. "Voter lists" means the official record of persons registered to vote in the most recent state general election and town lists, which are the combined and alphabetically arranged lists prepared by the selectmen and city wards for their respective jurisdictions made up of all adults listed on the voter registration lists, and provided to the office by the selectmen and city wards.

Source. 1971, 456:10. 1981, 527:2. 1992, 38:1. 1995, 277:13. 1998, 237:1, 2, eff. Jan. 1, 1999. 2013, 261:1, eff. July 1, 2013.

500-A:4 Prohibition of Discrimination. – A citizen of this state shall not be excluded from jury service on account of race, color, religion, sex, national origin or economic status.

Source. 1971, 456:10. 1981, 527:2, eff. Aug. 28, 1981.

Federal Grand Juries are selected in NH by the same unconstitutional process as regular County Court juries.

Regarding Out-of-State Students and the NH Attorney General’s Advice to Hanover Officials in the 2016 Presidential Primary – as Captured on Project Veritas Video and Audio

<https://www.bing.com/videos/search?q=project+veritas+video+voter+fraud+nh&docid=608029622643002236&mid=5D4FDA037F894D5B14385D4FDA037F894D5B1438&view=detail&mmscn=vidans&FORM=VIREHT>

At 8:30 “Steve” (Steve Labonte) of the NH AG’s Office advised a Hanover official that an out-of-state student visiting the dorm of a friend can vote here.

Another Special Privilege Out-of-State students get which is not provided to qualified NH voters is they can use a bulk mail address to vote.

Students at state colleges can simply use a bulk mail address for a dorm without any identifying unit or dorm number.

Students at Keene State, for instance, for years have been using “Owls Nest” and other dorm names as a domicile address. Qualified NH voters must give a street address identifying exactly where they live.

Out-of-state students also have the right to look up the past voter history of qualified NH voters. Newly registering out-of-state students and out-of-state campaign workers registering to vote in NH have the special privilege of their past voting history exempted from the NH Right to Know Law, RSA 91-A. There is no

legitimate reason for the voter registration cards in NH to exempt the past place of registration of out-of-state registrants other than to hide their true domicile from qualified NH voters who might want to challenge them.

One of the best special privileges out-of-state voters is the poor quality of NH voter checklists as they are only mandated to be purged every ten years. This leaves an open spot for “mobile domiciliaries,” as on NH Superior Court Judge has named them, to have an open spot to cast an absentee ballot after leaving NH.

The Coalition of NH Taxpayers caught a campaign worker in 2012 who was in Missouri working on and voted in a US Senate race there and had her name checked off as voting in Manchester, NH at 1200 Elm St., where she stayed in 2008 while working on a US Senate race here. She was also registered as active in North Carolina where she had worked on a 2010 US Senate race. This common among out-of-state campaign workers passing through NH.

The extensive paperwork we have from that incident and others like it is available upon request of the Commission or any Federal authority involved with the investigation voter fraud.

NH’s Dismal Record of Voter Fraud Investigation or Prosecution

One of the best examples of how citizens are suspect of elections in NH is the lack of investigation and prosecution of known cases of voter fraud.

The two best was to show this is with the help of a recent NH ACLU request of the NH Attorney General’s Office for all cases of in-person voter fraud investigated from 2000 to 2015. This would be the same time frame CNHT was documenting voter fraud. The other is by looking to the February 2016 Project Veritas tapes taken by undercover journalists who worked with CNHT.

1. Here is the NH ACLU request and NH AG’s reply:

<https://www.aclu-nh.org/sites/default/files/wp-content/uploads/2015/06/ACLU-Report-Final.pdf>

Although this Right to Know response is all the NH ACLU needed to dismiss evidence of voter fraud out of hand, a careful reading show there was, according to the NH AG’s own documentation, next to zero investigation of any voter fraud.

On page one of the emails handed over is evidence that the State of Maine tried to get help from NH in investigating 39 people they believed were voting in two states. No reply from NH.

The ten names from the 2008 General Election investigated in September of 2009 by the NH AG show a pattern of not asking the subject for any current identification. One subject offered his NH driver's license. The other nine were not asked for any ID, proof of current domicile, or written statement. Nothing.

At least in the September 2009 "investigations" the addresses of the subjects are given. Later investigations have only the names of the subjects.

A recent reply to a January 25, 2017 request for information regarding any investigations in the **2016 NH General Election** made by US Congressmen Robert Brady, James Clyburn, and Elijah Cummings, Assistant AG Brian Buonamano responded with a cryptic answer of:

"By way of response, we provide the following information. There have been fourteen investigations of "wrongful" voting as defined by RSA 659:34 resulting from the general election on November 8, 2016. Out of those fourteen, six matters have been closed as unfounded and seven remain open. I cannot provide any further information as to open matters that remain active investigations."

Notice how the Congressmen ask for a year's worth of investigations and get a single day's worth. This would leave out the two hours of **Project Veritas** video from the NH Primary showing deliberate voter fraud committed by election workers – captured on tape. The NH AG subpoenaed **Project Veritas** for that unedited tape but now ignore it. More on the tape later.

The vague response goes on to name one person, by name, and the town she voted from, no address as in the early AG press releases and investigations had going back to 2000.

There is no way citizens can tell who is being investigated or if the complaints sent to the NH Ag were ever looked at. The only glimpse qualified voters have of what investigations were done between 2000 and 2015 is by the NH ACLU Right to Know Request of 2015.

A NH citizen is again left with no way to see who is voting in NH or any documentation which could be used to challenge an out-of-state voter. Without transparency voters can have no faith their NH elections comply with any election

laws, Federal or State. This unexplainable lack of accountability also shows an ever-growing divide between qualified NH voters and out-of-state voters who abuse the system to enhance their vote in a state critical to the selection of candidates for Federal Office. The more the NH Election Officials ignore state statutes, the NH Constitution and US Code 52 the more they encourage unqualified voters.

Summing up the NH AG's Election Division's lack of transparency and ability to protect qualified NH voters using just the NH ACLU 2015 Right to know Request.

CNHT knows of complaints filed by some of our members with the NH AG which have never been investigated or addressed. They fall within the time frame of the 2000-2015 NH ACLU response from the AG.

2001 – Attorney Patrice Scott of Plymouth, NH submitted a detailed report regarding 867 presumed college students amounting to 35% of the municipalities Nov. 7, 2000 participation in the NH General Election for President. Her report was widely circulated, and was detailed.

2004 – Rep. Robert Kingsbury of Laconia, NH presented evidence that Libertarian votes were not being counted in Laconia. Being one of the people who voted Libertarian, Mr. Kingsbury was aware of the problem. He got a response from Assist. AG Orville Fitch showing they were looking into the matter. No final report ever came.

2005 – Warren Henderson, Republican Party Chair filed a complaint about an out-of-state campaign worker caught by Manchester Police stealing signs from Republican candidates and the Party. He also voted from the single-family residence of the then Democrat Party Chair. No response, investigation, prosecution. The same out-of-state campaign worker came back and voted in 2008 from an apartment building at 1200 Elm St. in Manchester where he was staying with another out-of-state campaign worker from California – who also voted from that unit.

2005 – David Scott gave the NH AG a detailed list of potential out-of-state voters using Dover, NH addresses. CNHT found one of these people voting in Florida and NH, another was registered in Pennsylvania, voting in Dover from an address the Post Office could not find – but whose home is in New Jersey.

Mr. Scott sent follow-up letters. No investigation no resolution.

2016 – Ed Naile, CNHT, filed a complaint regarding recently arrested campaign worker who posed as a candidate withdrawing from a house race in an effort to curb the vote. CNHT found he was registered to vote in Ct. Ky., Wisconsin, and New Hampshire. He voted in a Madison, Wisconsin State General Election and NH's General Election in the same year. His driver's license was from his home in Kentucky. No response, no investigation.

It should also be known that I filed a Right to Know request of the NH AG for their investigation of eight non-family members who were working on campaigns from the home of a NH State Senator – and voting in NH's General Elections. I wanted to see what questions they asked of the subjects – such as; where did you file your Arkansas State Income taxes that year? The response from the AG was that the report might contain private information – but the press got a copy:

<https://patch.com/new-hampshire/portsmouth-nh/martha-fuller-clark-cleared-of-voter-fraud-allegations>

From a NH State Senator:

Fuller Clark said she has frequently opened up her home to young people in the past who have worked for various organizations.

"I never had any discussions with them about whether to register to vote," she recently said.

State law allows people to register to vote if they "(have) established a physical presence and (show) an intent to maintain a single continuous presence."

The State Constitution and State Laws say – DOMICILE.

CNHT has file boxes of information about out-of-state campaign workers we have tracked since 2000. It includes the various locations out-of-state campaign workers who stay there and are encouraged to vote election after election. We will be glad to share it with Federal Authorities who want to see fair and legal elections in NH for Federal Offices.

Project Veritas Videos

Probably the best way to see how dysfunctional NH's Federal Elections are held is to see for the Commission to see for itself. The entire two hours of *Project Veritas* video will be sent to the commission in an amendment to this submission. Until that happens you can review the short versions from the on line.

Hugo E. Palma – Colorado Springs resident working on a campaign in NH. Palma stayed in the town of Warner, voted from the Sanders Office in Manchester from a rental property with no living quarters. Hugo had his picture taken casting an illegal absentee ballot. The NH has this 2016 tape:

nine minutes

<https://www.bing.com/videos/search?q=project+veritas+videos+nh&docid=608005326028211906&mid=9AE4B3F2C856C39EB4409AE4B3F2C856C39EB440&view=detail&mmcn=vidans&FORM=VIREHT>

more

<http://www.wmur.com/article/project-veritas-president-to-hold-nh-news-conference-to-address-ag-s-probe-of-voting-issues/5209438>

The confusing, vague, often illegal directions from NH election officials to first time voters.

The video below at eight seconds in shows a nameless non-resident posing as an election official. We tried to catch the license plate from her car to no avail. I asked the Moderator of this Ward, #4, in Nashua who she was and he said he had no idea. I contacted the NH AG's Office that day and they said they had no lawyer on site anywhere in Nashua.

<https://www.bing.com/videos/search?q=project+veritas+election+videos+nh&qpv=project+veritas+election+videos+nh&view=detail&mid=EED0DF6F3CB4EEE72C36EED0DF6F3CB4EEE72C36&FORM=VRDGAR>

Of note:

CNHT was contacted by Project Veritas as they arrived in NH and I worked with them as they reviewed NH statutes and the best places to send undercover journalists.

I was also with them as the film came to their headquarters to be placed into a single video that evening. I have seen some of what was left on the cutting room floor, which is also in the possession of the NH AG. I would love to have the entire video open to the NH public and the Commission. This was an election that featured Federal Offices.

Please consider this submission to the Integrity Commission as Part One.

I am working with others to assemble a written, bound, submission as soon as we can assemble it. It is a daunting task to put complicated documents together as I believe the Commission wants it and can use it easily.

Again, if NH has a new US Attorney or a person from the US Justice Department would like to review the totality of what we have, which includes evidence of criminal activity, I will be glad to make it available.

Thank you

Ed Naile

Chairman, CNHT