

# Trial challenging NH's proof of citizenship to vote law begins

- [By Kevin Landrigan Union Leader Staff](#)
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U.S. District Court in Concord was ground zero Monday for the opening of a trial that challenges one of the nation's most restrictive state laws regarding U.S. citizenship and the right to vote.

The Coalition for Open Democracy and several other voting rights groups charge a 2024 New Hampshire law that requires new voters to show proof of U.S. citizenship, age, identity and domicile violates the U.S. Constitution by limiting voting rights and denying due process.

During opening arguments, Henry Klementowicz, deputy legal director for the American Civil Liberties Union of New Hampshire, said no federal court has ever upheld these restrictions.

In 2020, a federal court set aside as unconstitutional a similar law Kansas had adopted to require proof of citizenship prior to voting.

The new law kicked in for town meetings and municipal elections in 2025 and this fall for the first time it will affect the much larger pool of potential voters who show up for state and federal elections.

"The defendants stuck their heads in the sand and adopted a 'see no evil' policy," Klementowicz said.

Assistant Attorney General Catherine Denny said the groups have failed to offer proof that residents who, due to these changes, were prevented from casting a ballot.

"The local election claims are purely theoretical," Denny said in her opening argument for the bench trial before U.S. District Court Judge Samantha Elliott.

For decades until late November 2024, a person registering to vote who did not have a photo ID or other documents to prove their age, identity, domicile or citizenship could sign a sworn statement at the polls to cast a ballot.

The new law ([HB 1569](#)) signed by then-Gov. Chris Sununu got rid of two affidavits, one from the voter who could have sworn they were eligible to vote and a second affidavit the voter could have submitted when someone at the polls challenged that voter's eligibility.

Klementowicz said that three citizens will testify during the trial that these restrictions "significantly and unnecessarily" caused them hardship.

The voting rights groups maintain hundreds of voters were turned away at municipal elections and told to bring back the documents proving their eligibility.

"The evidence that you will hear is the burden on the voters is steep," he said.

Denny said the state's interest in adopting the law was to promote election integrity, increase voter confidence and deal with limited state resources.

The state currently has a seven-year backlog of investigations into election law complaints, she said.

She said 98% of eligible residents have proof of citizenship, which under the law can be a passport, naturalization papers or a birth certificate.

In response to that, University of Wisconsin-Madison professor Dr. Ken Mayer is expected to testify for the voting rights groups that an estimated 100,000 residents in New Hampshire lack documents proving their citizenship.

## **Second law assists local election officials**

In 2025, the Legislature adopted a second law ([HB 464](#)), which allows local election officials, while trying to verify a new voter's status, to check databases held by state agencies.

The state has also updated its Statewide Voter Registration System, which is available to election officials at all polling places that have access to the internet, Denny said.

David Fox, a lawyer representing the NH Youth Movement, another party suing the state, said these changes don't help residents without voter history, those born abroad and women with different last names who were married out of state.

The voting rights groups will counter the state's claim that the changes were needed to deal with cases of voter fraud.

Dr. Lorraine Minnite from Rutgers University, an expert hired by the coalition, will testify there have been only eight cases of voter fraud in the last 26 years, while 8.3 million votes were cast during 14 different election cycles, Klementowicz said.

Coalition for Open Democracy Executive Director Olivia Zink testified her group spent 52

hours updating all its election materials in response to the website.

One of the lawsuit's counts is this law illegally restricted the work of voting rights groups such as hers.

Since the law passed, the numbers from youth voting registration drives at New Hampshire high schools have fallen off.

One event at Concord High School in 2023 — before the law — signed up as many new young voters as all 15 voting drives hosted in 2025, she said.

Zink said during a municipal election in Conway last April, four voters were turned away without proper documentation.

Two of them returned to the polls to vote later that day and two did not, Zink said.

SangYeob Kim, a senior staff lawyer with ACLU-NH, testified he just became a U.S. citizen last July and tried to register to vote last fall.

A Stratham town clerk staffer mistakenly told Kim he had to have both his passport and naturalization papers.

Kim had his passport with him, but he was still waiting for the final naturalization documents because initial ones had a mistake in his name.

Kim said he had a "mixture of anger, disappointment, powerlessness" during that encounter.

A few months later, Kim said he returned to the clerk's office and was permitted to register to vote.

The trial is expected to last two weeks.

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