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AMERICAN CIVIL LIBERTIES UNION of NEW HAMPSHIRE



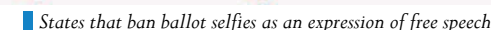
## No Ballot Selfie = No Free Speech

In case you missed it, New Hampshire made nationwide headlines last year with the first ever case challenging a law banning “ballot selfies.” In October of 2014, the state attorney general’s office began investigating three New Hampshire voters for taking and sharing photos of their primary ballots on the internet. The ACLU of New Hampshire filed a federal lawsuit on their behalf, igniting arguments on the limits of free speech rights in the digital age.

The state attorney general's office has been investigating people for violating this law, even when it's clear that the speech is innocent and political.

ACLU's client, Andrew Langlois, marked his ballot by writing the name of his recently deceased dog, Akira, as his Republican choice for U.S. Senate in the primary election. He later published that photo on his Facebook page.

This case began after lawmakers passed a bill in the spring of this year making this form of political speech a violation-level



offense,  
punishable by a fine of up  
to \$1,000. The intent of this legislation  
is to protect the integrity of the voting  
process, in particular, to prevent  
possible vote-buying and possible  
voter coercion.

The problem here is that this law bans the posting of marked ballots when the speaker is engaging in innocent political speech that has nothing to do with vote buying or voter coercion.

The First Amendment does not allow the state to broadly ban innocent political speech with the intent that such

*an expression of free speech* a sweeping ban will address the underlying criminal conduct.

Voting is an act of extraordinary importance to citizens and, as such, everyone is allowed under the First Amendment to communicate their experience at the polls, including about the people for whom they voted.

The case is expected to be decided this spring.

# FBI: We Know What You Read Last Summer



Your activities as a library patron could be subject to an investigation by a government agency, so says the U.S. PATRIOT Act. Enacted in 2001, this law allows the FBI to force libraries to turn over all information related to a person's library "footprint" such as computer usage documentation, circulation data, print records, internet histories, and interlibrary loan requests.

The USA PATRIOT Act and other recently enacted laws endanger privacy rights of library users, increasing the likelihood that the user will be subjected to government surveillance without their knowledge or consent. So you can imagine why local librarians would be eager to learn more about their responsibilities and rights under the law, and practical steps to protect their patrons.

In January, executive director Devon Chaffee and staff attorney Gilles Bissonnette helped to clarify the law for over 45 librarians at a privacy workshop hosted by Hooksett Library. Devon and Gilles provided a privacy rights primer covering federal, state, and local laws, including tips on what to do in real-life library situations where privacy rights are threatened, for example, when a librarian receives a National Security letter or the police demanding search or seizure of library computers. The ACLU has been at the forefront of the struggle to rein in the surveillance superstructure that strikes at our rights to privacy, free speech, and association.

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## Free Speech Victory

The town of Littleton lost its case against an ACLU client who was arrested for swearing at a parking enforcement officer.

## Victory for Fairness

The NH Supreme Court recently ruled that a criminal registration law cannot be applied retroactively.

# ACLU AT THE STATEHOUSE

In this legislative session there are dozens of bills that will be considered by the New Hampshire legislature that could impact your civil liberties. The ACLU of New Hampshire is committed to being a constant presence at the statehouse to ensure that the legislature advances individual freedoms instead of infringing upon them.

What follows are some of the important civil rights issues your elected representatives will be voting on this year.

## FIGHTING for PRIVACY RIGHTS

The ACLU is committed both to protecting students' privacy rights and to ensuring that New Hampshire's privacy laws keep pace with technology. To this end, the ACLU of NH supports HB 142 bill which would strengthen protections for students' personal online data. This bill would prevent private and public educational institutions from requiring students' to give the school access to their online accounts. Just as a school cannot rummage through a student's mail, it should not be able to rummage through a student's online accounts.

We are also working with the House Criminal Justice and Public Safety Committee to ensure that any New Hampshire law requiring the police to use body cameras includes protections necessary to ensure that the privacy of New Hampshire citizens is not eroded.

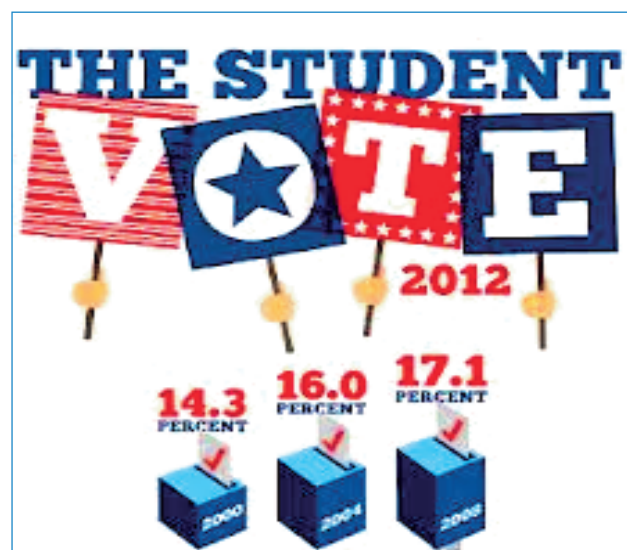
## REFORMING JUVENILE JUSTICE

The ACLU opposes treating and punishing children as adults. In New Hampshire we are advocating for passage of HB 305, which proposes a number of important changes, including that juveniles are fairly represented in court and that juvenile offenders are given a meaningful opportunity to rehabilitate.

On a related issue, school resource officers (SRO) have become more involved in the basic discipline of children, stepping in where teachers might have previously handled low level misbehavior such as school yard spats. By doling out harsh punishment for classroom behavior, these officers are, at alarming rates, introducing children to the criminal justice system, a problem in New Hampshire and around the country. The ACLU is supporting HB 527, which would require schools to have a formal agreement with their SRO. This bill would address the current lack of formal responsibilities and clear standards.

## DEFENDING VOTING RIGHTS

The issue of 'domicile' is at the center of two bills restricting the eligibility of college-age voters, both opposed by the ACLU. One bill (HB 112) would require New Hampshire college students who choose to vote to register their motor vehicle with NH's DMV. Let's remember that the state assesses a hefty fee to register one's automobile.



Another bill (SB 4) would narrow the definition of domicile under New Hampshire law by disenfranchising individuals who plan to leave the state after having accomplished a specific purpose, such as completing a degree or medical residency.

## STOP ATTACKS on WOMEN'S RIGHTS

This January, women across the country marked their reproductive freedom rights by honoring the 42<sup>nd</sup> anniversary of the Roe v. Wade decision. It's striking that after four decades, we're still fighting for women's reproductive rights in our own state. In the current legislative session, New Hampshire lawmakers are considering several bills that threaten to seriously curtail a woman's right to make her own private, personal medical decisions.

And it's not just happening in the Granite State. Increasingly, politicians in many states are trying to take away access to essential reproductive health services. There were more abortion restrictions enacted between 2011 and 2013 than in the entire previous decade.

Last year, state legislators around the country enacted 27 anti-choice measures. This year, states seem to be competing with each other to pass the most extreme abortion bans and the cruelest attacks on women's health care. And Congress launched numerous assaults on the rights of women, and will most certainly use the federal budget to limit access to reproductive health care.

At every turn, the ACLU is ready to block these efforts and to secure reproductive freedom. In New Hampshire, we are battling an onslaught of proposed legislation intended to eliminate or restrict a women's right to make her own reproductive decisions. These attacks include:

- A bill that would ban abortions after twenty-one weeks and five days of gestation, even in circumstances where the health of the woman is in jeopardy. This bill (HB 595) would also jeopardize patient privacy by requiring physicians to report an array of data concerning abortions attempted or provided.



- HB 670, which would prohibit requiring a health care provider, institution, or insurance company to perform, allow, or pay for "health care services that violate their consciences." This bill would hold patients hostage to the beliefs of their healthcare providers and payers and is similar to other bills around the country that use religion to discriminate against women, and the LGBT community.
- Two separate bills that would, if passed, make New Hampshire the thirty-eighth state to recognize the fetus as a crime victim. The death of a fetus would be a punishable criminal offense, including but not limited to murder, manslaughter and homicide (HB 560 & SB 40).
- A bill that would enact broad restrictions on the ability of the state government to contract with family planning organizations that provide abortions or to fund any activity at all related to abortion (HB 677).

The ACLU of New Hampshire will continue to use everything in our organizational toolbox – litigation, legislation, advocacy and public education – to stop attacks on women's essential reproductive health services, undo setbacks and build on our hard won progress.