



VOTING RIGHTS: GRANTED NOT GUARANTEED

Among the many rights Americans are granted by the Constitution, one stands above the rest – the right to vote. Our nation has an obligation to guarantee this fundamental right by making voting easy and accessible to all eligible voters. Elected officials and government agencies should be working day and night to ensure that every American has the opportunity to vote in person or through absentee ballot.

What Americans across the country have seen instead is a steady stream of state-by-state legislation aimed at creating burdensome, unnecessary voting requirements. And these suppression efforts have only intensified since 2013 when the U.S. Supreme Court gutted the heart of the Voting Rights Act of 1965.

This year, seventeen states will have new voting restrictions in place for the first time in a presidential election.

The new laws range from strict photo ID requirements to early voting cutbacks to registration restrictions. New Hampshire is one of these seventeen states.

New Hampshire's voting laws lag behind the rest of the nation. Unlike the majority of states, we don't have online voter registration, we don't have an early voting period and we can't register to vote at our local DMV.

On top of that, many of our elected officials refuse to support modern measures that can make voting easier. Their rationale? They are protecting against voter fraud, a claim that the ACLU of NH has disputed using the records supplied by the secretary of state's office.

We are committed to protecting voter rights. We sponsor "Know Your Voting Rights" forums at universities around the state as we did before this primary election. More forums are planned this fall before the general election.

WHY?

- Isn't New Hampshire among the 34 states, including our neighbors, that have **Early Voting**?
- Isn't New Hampshire among the 30 states, including our neighbors, that have **Online Voter Registration**?
- Do lawmakers continue to claim significant voter fraud when, according to the Secretary of State's office, there were only 2 cases of alleged voter fraud from 2000-2015 out of 4,454,752 votes cast?

ACLU News, Summer 2016

ACLU of New Hampshire
18 Low Avenue
603-225-3080
www.aclu-nh.org

IN THIS ISSUE

Legislative Update

NARAL Pro Choice

Bill of Rights Awards

Recording The Police



On July 16, more than 200 people peacefully marched in Manchester. The NAACP, ACLU-NH, faith leaders, and community groups were among the marchers showing support for activists across the country who are advocating for fair treatment of black Americans by the justice system and law enforcement.

A MESSAGE FROM THE EXECUTIVE DIRECTOR

In recent months, our country has experienced a civil liberties rollercoaster, from the reproductive rights victory at the U.S. Supreme Court in the *Whole Women's Health* decisions, to the tragic police shootings of Philando Castile and Alton Sterling and the deadly attacks on police.

In New Hampshire, police accountability issues and reproductive rights occupied much of the political news throughout the 2016 legislative session. One of our most significant victories was passage of a new law governing the **police use of body cameras**, the first of its kind in the country. This law was crafted to preserve government transparency and protect individuals' privacy rights.

We also secured legislative reforms to prevent the police from **unjustifiably seizing individuals' assets** absent a criminal conviction. And, we were able to convince lawmakers to remove a law from the books the courts struck down as unconstitutional over a decade ago, but which police were regularly using to arrest people. Lastly, we filed a lawsuit in federal court to protect an individual's **right to film the police** while performing their official duties.

With the help of our coalition partners, especially NARAL Pro-Choice New Hampshire, we were able to defeat an unprecedented number of bills attacking a **woman's right to choose**.

New Hampshire and the ACLU of NH was also in the national spotlight in recent weeks with the **Black Lives Matter rallies** in Manchester and Exeter, where we provided know-your-rights materials and organizing support.

As always we will fight to sustain the advances we've made and continue to push for other changes such as eliminating the death penalty, ending discrimination based on gender identity, and reforming our criminal justice system which penalizes people for being poor.

Thank you for standing with us and for your support.

Devon Chaffee
Executive Director



A NEW HAMPSHIRE PARTNERSHIP

This summer, NARAL Pro-Choice New Hampshire (NPCNH) will be disaffiliating with our national organization, NARAL Pro-Choice America, and joining our resources with the ACLU of New Hampshire. Both of our affiliates have been on the front lines for decades. We have worked effectively and successfully to create an environment that supports a woman's basic right to make her own reproductive choices and provides access to necessary health care services, including abortion. Together, our organizations play a leading role in securing and protecting women's reproductive rights in the state.

NPCNH's challenges have always been twofold: to defeat our well-funded opponents and adequately sustain our own operations. Over the last several years, a number of factors have steadily diminished our capacity and resources. Months of deliberation and consultations with allies and supporters resulted in our Board of Directors unanimously endorsing a plan to integrate our work under the auspices of the ACLU of NH.

By joining forces, we will be strengthening our legislative advocacy work and community outreach; these programs are fundamental to sustaining a pro-choice political climate and public support for women's reproductive rights in New Hampshire. We are confident that this plan is the best one for NPCNH and for the ongoing battle to protect women's individual liberty and privacy around reproductive choices. I hope you will join me in giving this new initiative your full support. Thank you.

Susan Arnold
Chair, NARAL Pro-Choice New Hampshire

CHAMPIONS OF CIVIL RIGHTS

This year, we are proud to honor three women of extraordinary courage, commitment and compassion: **Barbara Keshen, Demetria McKaig,** and **Susan Arnold.** On October 16, the ACLU of New Hampshire will present these fearless advocates with our **Bill of Rights Award** for their contributions defending individual freedoms in the courts and the legislature.



When **Barbara Keshen** accepted ACLU of NH's offer to be our staff attorney in 2006 she wasn't sure one lawyer could significantly impact civil rights laws in New Hampshire. Her years as a New Hampshire Public Defender and as an assistant Attorney

General prepared her well for the landmark cases she became known for. During her seven years with us, Barbara took on the most difficult cases as well as fundamentally important but unpopular ones. Her victories and challenges improved our civil justice system and preserved constitutional rights.

Demetria McKaig endured a four-year long ordeal for doing her job. In her case, that meant protecting the rights of a pregnant high school teenager and successfully challenging the school board's retaliatory actions all the way up to the state Supreme Court. This case started in 2012 when a Farmington High School student told Demetria, her school counselor, that she was pregnant and wanted to have an abortion. A dispute between Demetria and the school principal about the student's legal rights led to the involvement of the ACLU of NH, which was ultimately able to protect the student's rights.



Four months later however, Demetria was notified by the school superintendent that her contract was not renewed because of her efforts to help the student. In April of this year, the state Supreme Court ruled that Demetria be reinstated because the school's retaliatory nonrenewal decision was inappropriate.

Susan Arnold has been active in the pro-choice movement in New Hampshire for more than three decades. She began as a Field Organizer for NARAL New Hampshire and later was promoted to Political Director. One of Susan's most impactful achievements was co-directing a phoning project to identify 20,000 pro-choice Republican and Independent female voters for the 1992 presidential election.

Susan was NARAL's primary legislative lobbyist and developed a bipartisan legislative caucus to defeat anti-choice legislation. She was elected to NARAL New Hampshire's Board of Directors in the late 1990s, around the time U.S.

Senator Jeanne Shaheen hired her as her Director of Policy.

Susan (pictured at right) has been the Chair of NARAL Pro-Choice New Hampshire's Board of Directors for more than a dozen years. She leaves a strong legacy of supporting pro-choice legislators and leading the charge to protect the reproductive rights of women in New Hampshire.



Bill of Rights Awards Benefit Dinner

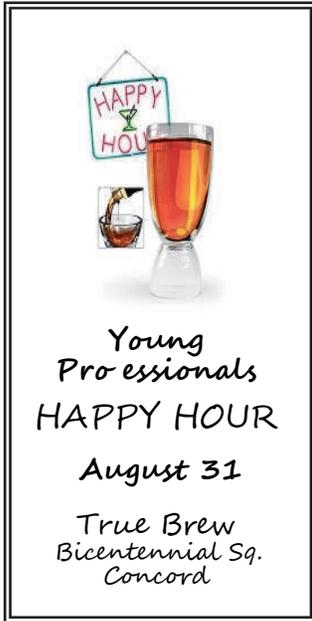
Sunday, October 16

Tickets available @ www.aclu-nh.org



18 Low Ave Concord NH 03301

NON-PROFIT ORG
US POSTAGE
PAID
CONCORD NH 03301
PERMIT # 1679



WIRETAPPING OR A CONSTITUTIONAL RIGHT?

The right of citizens to record the police is a constitutional right as well as a critical tool to hold the government accountable. There is, however, a widespread pattern of law enforcement officers ordering people to stop recording police in public places and then harassing, detaining, and arresting those who fail to comply.



This is what happened to ACLU of NH's client Alfredo Valentin. One day in early 2015, Mr. Valentin arrived home to find Manchester police officers conducting a drug raid on his property. The officers told him they had a warrant to search for drugs that were being sold by the man who was renting a room in his house. When Mr. Valentin started audio recording his interaction with the officers using his cellphone, they arrested him and charged him with criminal wiretapping for recording them without their consent.

Mr. Valentin recorded the officers on a public street outside his home and without interfering with the officers' duties—a claim not disputed by the police. Despite this clearly unconstitutional arrest, the Hillsborough County Attorney's office elected to prosecute Mr. Valentin. The NH Superior Court dismissed the charge, ruling that the First Amendment protects the filming of police in public, regardless of whether the filming is done openly.

The ACLU of NH helped Mr. Valentin to file a federal civil rights lawsuit against the city of Manchester for damages for violating his First and Fourth Amendment rights. The lawsuit also asks the court to permanently order the Manchester police department to stop arresting people who record police actions in public.

According to ACLU of NH Legal Director Gilles Bissonnette, who is lead counsel on the case, "People's right to record their work in public exists regardless of whether the police officer being recorded consents to the recording. As we have seen with the recent recorded shootings of black men by police in Baton Rouge and Falcon Heights, the right to record the police is a critical tool for holding officers accountable for their actions."