

# ACLUNews

AMERICAN CIVIL LIBERTIES UNION of New Hampshire



## Attack on Voting Rights Defeated. Again.

In May, the New Hampshire Supreme Court handed down a major victory for all New Hampshire voters. In a case brought by the ACLU of NH, the Court rejected a 2012 law that would have prevented students and other eligible voters from voting in elections.

In its opinion, the Court made clear that the language that was added to the voter registration form in the 2012 law is “confusing and inaccurate.”

And because the law would likely cause an otherwise qualified voter not to register to vote in New Hampshire, the Court held that “the burden it imposes upon the fundamental right to vote is unreasonable.” The law firm Shaheen and Gordon, PA and attorney Alan Cronheim helped with this successful challenge.

Despite the state Supreme Court’s decision, the New Hampshire legislature continued to push for legislation that would make it more difficult for eligible voters to exercise their right to vote. Weeks after the Court’s decision, the legislature passed Senate Bill 179 requiring that a person must live in New Hampshire for at least 30 days before he or she can vote.

SB 179 is at odds with a U.S. Supreme Court decision holding that waiting period provisions violate the U.S. Constitution. These requirements penalize otherwise eligible voters solely because they moved across state lines prior to an election. There is no legitimate administrative justification for a waiting period in states like NH with same day voter registration.



*Gilles Bissonnette, ACLU of NH Legal Director, at the statehouse with coalition partners and students speaking out against SB179*

Some have argued that onerous restrictions on voting rights are necessary to address alleged “drive-by” voter fraud. But as was documented in a recent report by the ACLU of NH,

the New Hampshire Secretary of State’s Office has produced no tangible evidence of voter fraud.

Soon after the legislature passed SB 179, the ACLU of NH and other groups called on Governor Hassan to veto the bill. On July 2, the Governor announced that she “supports the constitutional right of all people living in New Hampshire to vote....” On July 10, the Governor vetoed the bill because of her “serious concerns that this bill could violate these constitutional rights.”

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## At The Courthouse

### Free to Speak

On June 10, the Laconia Circuit Court ruled the town of Alton suppressed an ACLU client’s free speech rights by arresting him at a Board of Selectman meeting.

### Ballot Pic is Free Speech

On June 8, we presented an oral argument asking the Federal Court to strike down NH’s ban on “ballot selfies” which prohibits innocent political speech on the internet.

## ACLU Nationwide

Supreme Court rules  
for marriage equality!

NSA collection of mass  
phone data ruled illegal.

# ACLU AT THE STATEHOUSE

## ADVANCING PRIVACY RIGHTS

The legislature passed two important privacy bills we actively supported: a student social media privacy bill and a bill that requires a warrant for use of “stingray” technology.

House Bill 142 prohibits public and private schools from requiring or requesting students to disclose or provide access to their social media accounts. The bill prevents school officials from engaging in fishing expeditions into a student’s private online information but it allows them to request specific information in the course of an investigation. This bill recognizes that students have a right to a private life outside of school, including privacy in their personal information such as their sexuality, their medical information and their family life.



House Bill 468 requires government entities to get a warrant before obtaining location information from an electronic device. The ACLU has identified 53 agencies in 21 states that are using stingray technology to surveil cell phone transmissions. Such technology mimics cell phone towers and sends out signals to trick cell phones in the area into transmitting their locations and identifying information. In the process, this technology gathers information from the cell phones of countless bystanders, thereby scooping up information in a dragnet fashion.

The ACLU has also uncovered evidence that law enforcement agencies are actively trying to conceal their use of stingray technology from public scrutiny. That’s why we are continuing to push for transparency and reform.

## PROTECTING WOMEN’S RIGHTS

Efforts to pass a fetal homicide bill that would recognize the legal rights of a fetus fell apart in conference committee this session. These types of restrictive laws, which have passed in thirty-eight states, threaten the rights of pregnant women by treating them and their fetuses as independent and even adversarial entities.

While the fetal homicide bills proposed in New Hampshire failed to pass this session, it is likely that we will face similar efforts to erode women’s rights in the 2016 legislative session.

## An Open Thank You Letter



*Jim Obergefell*  
ACLU Client

*Two years ago, my husband John and I filed a lawsuit to have our marriage recognized in our home state of Ohio. Our ACLU case went all the way to the Supreme Court, which decided that same-sex couples nationwide have the right to marry.*

*I can’t help but imagine how John, who passed away three months after our wedding, would have relished that great victory. I’m also thinking of the many, many individuals who came before us in this struggle — those who took the first brave steps to demand the freedom to marry.*

*Thank you for courageously standing with us.*



On June 26, 2015 the U.S. Supreme Court ruled that states cannot deny marriage licenses to same-sex couples and must recognize same-sex couples’ existing marriages.

# ACLU IN THE COMMUNITY

## ACLU HOSTS HI-TECH FORUM

On May 13<sup>th</sup>, the ACLU of NH hosted a privacy and cybersecurity conference in Manchester. State and national security experts presented eye-opening facts and recommendations on how to maximize data security and protect privacy. The balance between protecting key data in a digital world and providing access to that data to protect national and international security was the focus of some lively back-and-forth discussion.



*Arlo Bess, Client Security Officer at Hewlett Packard, and Denis Goulet, Commissioner of the NH Dept. of Information Technology, at the Forum*

One of ACLU's national technology experts revealed the surprising fact that a large majority of U.S. government agencies websites are not encrypted nor will they be until the end of 2016. Furthermore, they stated that government intelligence agencies are discouraging encryption because it hinders government data collection from private individuals. In contrast, it's the private companies such as Google and Apple who are the leaders in data security.

This forum was the ACLU's initiative to start a conversation with local government, individuals, and businesses. Devon Chaffee, Executive Director of the ACLU of NH, said that "as our systems become more and more digitally connected, major security and privacy concerns arise in both the public and private arenas. It's our hope that the hundreds of lawmakers in New Hampshire explore and understand this issue."

Just as there are serious concerns about our state's physical infrastructure, Ms. Chaffee advocated that serious attention also be paid to our digital infrastructure and to allocating resources that will make our information superhighways as safe as our roads and highways. The ACLU is well positioned to be a resource for companies looking to create policies that protect privacy and free speech. We have extensive experience tackling critical privacy issues and navigating federal and state laws.

## NEW BOSTON WELCOMES ACLU

ACLU's National Director of Policy & Advocacy was the featured speaker at the scenic home of Barbara and Gordon Russell on April 26<sup>th</sup>. Nonprofit executives, business leaders, and state representatives were among the dozens of friends and neighbors at the Russell's New Boston residence to talk about the ongoing assaults on civil rights. One reason for these increased attacks is the emergence of single-party dominance of state legislatures, including NH, which has given rise nationally to hundreds of restrictive civil rights bills. This development makes the ongoing legal and legislative work of the ACLU in states all the more critical.



*Eric Herr, Vice Chair, NH Charitable Foundation; Devon Chaffee, Executive Director of ACLU-NH; and, Harold Janeway, former NH State Senator, at the home of Barbara and Gordon Russell.*



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*The  
Bill of Rights  
Award*



*Arnie Alpert & Bill Chapman*

*Sunday, October 4*

The ACLU of New Hampshire is proud to be honoring Arnie Alpert & Bill Chapman with the Bill of Rights Award for their unwavering commitment to defend our constitutional freedoms.

*Lewis Feldstein, Keynote Speaker*

Please check our website or Facebook page for more information on our 29th annual benefit.