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VICTORY: Court Declares NH Anti-Voter Law Unconstitutional

Anti-voter law was among the most restrictive in the United States, and placed unconstitutional burdens on voters

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CONCORD, N.H. - Last night, the federal court in New Hampshire struck down the state's anti-voter law enacted in 2024, declaring it unconstitutional. The law, known as HB 1569, created some of the strictest registration requirements in the nation and, among other things, required documentary proof of citizenship for voter registration.

A broad coalition of voting rights groups and individual voters challenged HB 1569's creation of needless barriers to voting, including its removal of the ability for eligible voters to register by attesting to their citizenship under penalty of perjury on a sworn affidavit. In addition to declaring the law unconstitutional, the Court blocked its use in all future elections, including the 2026 midterms and September primary.

"Today's ruling is a victory for all Granite State voters. New Hampshire's elections have always been safe, secure, and accurate – and this law could have unconstitutionally and needlessly prevented thousands of eligible voters from casting a ballot," said Henry Klementowicz, deputy legal director of the ACLU of New Hampshire. "Making it harder to vote is a clear attack on one of our most fundamental of rights, and this law is consigned to the dustbin of history where it belongs."

The lawsuit was filed by the ACLU of New Hampshire, American Civil Liberties Union, and Ropes & Gray LLP, on behalf of plaintiffs the Coalition for Open Democracy, the League of Women Voters of New Hampshire, The Forward Foundation, and several individual voters. This case was consolidated with a separate lawsuit brought by New Hampshire Youth Movement.

According to the Court's decision, the law "constitutes an unjustifiable burden on the right to vote in violation of the

unjustifiable burden on the right to vote in violation of the First and Fourteenth Amendments,” “does little, if anything, to further the state’s interests,” and also “violates voters’ rights to procedural due process.”

Despite the proven accuracy, reliability, and security of New Hampshire’s elections, HB 1569—which was signed into law by former Governor Chris Sununu in 2024— made fundamental changes to the state’s election law that violate the First and 14th Amendments of the U.S. Constitution.

“While we witness escalating attacks on voting rights nationwide, New Hampshire’s HB 1569 represented yet another substantial barrier to the ballot box,” Jacob van Leer, staff attorney with the national ACLU’s Voting Rights Project. “As federal and state leaders across the country seek to impose restrictive and unnecessary documentary proof requirements for voting, our win sends a clear message that such attempts to undermine our elections will not succeed.”

HB 1569 required documentary proof of citizenship for voter registration — documents like a passport or birth certificate, which many people do not have or cannot easily access — making it materially harder, if not impossible, for thousands of New Hampshire citizens to exercise their right to vote.

The Court’s decision is in line with other federal courts that have weighed in on this issue previously. For instance, federal courts struck down a similar Kansas law, which imposed a proof of citizenship requirement for state and federal elections, as violating both the U.S. Constitution and National Voter Registration Act of 1993.

“This decision sends a clear message that constitutional rights do not end when voting begins,” said Marcia

Johnson, chief of activation and justice for the League of Women Voters. “Eligible voters should not be denied access to voting because of burdensome and unnecessary requirements. At a time when new barriers to voter registration are being enacted across the country, this ruling affirms that protecting elections and protecting voters’ rights are not competing goals. The League of Women Voters is proud to stand with New Hampshire voters, and we will continue building a democracy where every eligible voter can participate freely, fairly, and with confidence.

“This decision is a victory for New Hampshire voters and for the fundamental freedom to vote,” said **Liz Tentarelli, president, League of Women Voters of New Hampshire.** “Granite Staters deserve a system that makes it possible for eligible voters to participate without unnecessary hurdles or confusion. The League of Women Voters of New Hampshire will continue working to ensure our elections remain accessible, fair, and secure for everyone.”

“This court decision is a victory for every Granite State voter and their ability to vote in this year’s primary and midterm elections,” said **Olivia Zink, executive director of Open Democracy NH.** “This is especially important for eligible soon-to-be voters who are graduating high school this year, registering to vote for the first time, and who may not have a copy of their birth certificate. This decision ensures they retain access to the ballot.”

Geoffrey Atkins, Partner at Ropes & Gray LLP, said, “We are gratified that the court has confirmed that this statute unduly burdens the fundamental right to vote, and indeed that the statute had already disenfranchised many NH voters and was likely to affect many more voters in future elections. It has been a privilege for our firm to support the efforts of

It has been a privilege for our team to support the efforts of the ACLU to obtain this decision and protect one of our most fundamental rights as citizens.”

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