

The State of New Hampshire

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NEW HAMPSHIRE
SUPREME COURT

Supreme Court

2018 MAY 31 A 11: 23

Docket No. 2018-0267

Request for an Opinion of the Justices (Amending Definition of Resident and Residency)

The Attorney General's Memorandum of Law in Support of the Governor and Executive Council's Request for an Opinion

The resolution of the Governor and Executive Council presents two questions that pertain to the constitutionality of House Bill 1264 ("HB 1264"), recently passed by both houses of the General Court and soon to be presented to the Governor for his approval or veto. The Attorney General submits this memorandum of law solely to address the limited issue of whether the Justices should answer the questions presented. For the reasons discussed below, the Justices should examine the constitutionality of HB 1264 as set forth in the Governor and Council's resolution.

INTRODUCTION

"Each branch of the legislature as well as the governor and council shall have authority to require the opinions of the justices of the supreme court upon important questions of law and upon solemn occasions." N.H. CONST. pt. II, art. 74. "When [the Justices] issue such opinions, [they] act not as a court, but as individual constitutional advisors to the legislative or executive branches." *Opinion of the Justices*, 150 N.H. 355, 356 (2003). The Justices provide this counsel "whenever possible," and proclaim that declinations to advise are "infrequent" and limited solely to scenarios in which "good cause" exists. *Opinion of the Justices*, 116 N.H. 358, 360 (1976). In furtherance of satisfying their constitutional charge to counsel the coordinate branches of government, the Justices have imposed few threshold requirements upon inquiries from the

legislative and executive branches, and often decline to apply these precepts rigidly when doing so would thwart a reasonable and legitimate request for guidance.

Currently at issue is HB 1264, an act that would modify RSA 21:6 and 21:6-a by amending the definitions of “Resident; Inhabitant” and “Residence.” HB 1264 (2018). The Senate passed HB 1264 on May 2, 2018, and the House subsequently concurred in its passage. N.H. Gen. Ct. *Docket of HB 1264*.¹ Thus, both houses of the General Court have “approved the bill in its final form,” and it is now enrolled. *See Hughes v. Speaker of the N.H. House of Reps*, 152 N.H. 276, 280-81 (2005). Following enrollment, the Secretary of State will present HB 1264 to the Governor, who must decide whether to approve the proposed legislation, or to veto it and return it to the House. N.H. CONST. pt. II, art. 44.

Faced with this pending determination, the Governor requested, and the Executive Council adopted, a resolution seeking an opinion of the Justices as to the constitutionality of HB 1264. Appendix at 2-3. Through that resolution, the Governor conveyed that “constitutional concerns” exist as to certain applications of HB 1264, and that he seeks the Justices’ guidance in order to fulfill his constitutional obligation of “faithful execution of the laws” and his duty to “restrain violation of any constitutional or legislative power[.]” *Id.* (citing N.H. CONST. pt. II, art. 41). The Governor also indicated that “the constitutional questions that flow from [HB 1264’s] meaning and effect” render his pending veto decision “a solemn occasion upon which the justices of the Supreme Court should be required to give their opinion[.]” *Id.* (citing N.H. CONST. pt. II, art. 74).

The Justices of this Court should respond to the Governor and Council’s instant request for an opinion and thereby give force to the plain language of Part II, Article 74 and continue the

¹ Available at https://gencourt.state.nh.us/bill_status/bill_docket.aspx?lsr=2352&sy=2018&txtsessionyear=2018&txtbillnumber=HB1264&sortoption=&q=1

long history of the Justices serving as individual constitutional advisors to the legislative and executive branches. The Governor, in acting upon the constitutional directive that he either approve or veto this bill, is entitled to the same satisfaction that his signature will produce constitutionally viable legislation that the House and Senate routinely obtain by seeking an opinion of the Justices. Because the Justices of this Court have perennially imparted their opinions as to the constitutionality of proposed legislation to the legislative branch, there is no cause to decline to issue such guidance upon request of the executive branch under analogous circumstances. Indeed, to declare that Part II, Article 74 does not require that the Justices opine as to the constitutionality of a bill pending before the Governor would improperly restrict the executive's access to the legal advice that the Constitution expressly provides.

QUESTION PRESENTED

Does Part II, Article 74 of the State Constitution entitle the Governor and Council to an advisory opinion on the constitutionality of an enrolled bill that will be presented to the Governor for his approval or veto under Part 2, Article 44? The Justices should answer this question in the affirmative.

LEGAL ARGUMENT

THE JUSTICES OF THIS COURT HAVE A CONSTITUTIONAL OBLIGATION TO ADVISE THE GOVERNOR AND COUNCIL ON THE CONSTITUTIONALITY OF AN ENROLLED BILL AWAITING ACTION BY THE GOVERNOR.

- A. Part II, Article 74 does not mandate that questions posed to the Justices by the “governor and council” pertain solely to joint determinations of the Governor and Council.**

The Governor and Council have invoked Part II, Article 74 in order to seek guidance from their constitutional advisors as to the constitutionality of HB 1264, given the Governor's integral role in the legislative process. When interpreting a constitutional provision, the New Hampshire Supreme Court examines its purpose and intent. *Duncan v. State*, 166 N.H. 630, 640

(2014); *Baines v. N.H. Senate President*, 152 N.H. 124, 133 (2005). “The first resort is the natural significance of the words used by the framers.” *Duncan*, 166 N.H. at 640 (quotation omitted). “The simplest and most obvious interpretation of a constitution, if in itself sensible, is most likely to be that meant by the people in its adoption.” *Id.* (quotation omitted).

Part II, Article 74 provides: “Each branch of the legislature as well as the governor and council shall have authority to require the opinions of the justices of the supreme court upon important questions of law and upon solemn occasions.” This provision “empowers the justices of the supreme court to render advisory opinions, outside the context of concrete, fully-developed factual situations and without the benefit of adversary legal presentations, only in carefully circumscribed situations.” *Duncan*, 166 N.H. at 640 (citation omitted). Specifically, “the justices of the supreme court may render advisory opinions only ‘upon important questions of law and upon solemn occasions,’ and only to ‘[e]ach branch of the legislature as well as the governor and council.’” *Id.* (quoting N.H. Const. pt. II, art. 74) (emphasis in original).

Here, the Governor and Council request an advisory opinion on the constitutionality of an enrolled bill that is awaiting action by the Governor. The Justices have explained that “the advisory opinions required by [Part II, Article 74] are limited to advice upon important legal questions pending in the body entitled to the advice and awaiting consideration and action in the course of its duty.” *Opinion of Justices*, 113 N.H. 87, 88 (1973). Although requests by the Governor and Council for opinions typically involve matters pertaining to joint determinations by the Governor and Council, the plain language of Part II, Article 74 is not so limited.

Further, the Justices have advised the Governor and Council pursuant to Part II, Article 74 as to issues that pertained to the constitutionality of unilateral acts of the Governor. For example, the Justices have previously opined on the constitutionality of a footnote that the

Governor placed in his budget, which was to be presented to the General Court. *Opinion of the Justices*, 113 N.H. at 88. Although the Justices were aware that the request did not pertain to an impending joint action by the Governor and Council, it addressed the substance of the issue, reasoning:

RSA 9:2, cited in your first question, relates to the budget required to be submitted by the Governor to the legislature at the beginning of each biennial session. While the occasion for action by the Governor and Council with respect to the Governor's budget is not stated by your resolution, since the budget pertains to the administration of fiscal affairs of the State and the Council is established to advise the Governor in such matters (N.H. CONST. pt. II, art. 60), we assume that the Governor and Council have jointly determined to seek our advice because of mutual doubt as to the questions presented.

Id. at 88-89 (emphasis added). Thus, the Justices properly opted to advise the Governor and Council as to the constitutionality of an impending act of the Governor when it could reasonably infer, based on the joint resolution to seek the advisory opinion, that the Council, as advisors to the Governor, believed the question sufficiently important to seek the Justices' guidance. *See id.* This is the correct approach.

Therefore, the fact that the upcoming enactment determination regarding HB 1264 is the Governor's alone does not constrain the Justices in their provision of constitutional guidance as to this significant executive action. The text of Part II, Article 74 does not require that questions posed to the Justices by the "governor and council" pertain solely to their joint determinations. *See Duncan*, 166 N.H. at 640 (supporting "[t]he simplest and most obvious interpretation of a constitution, if in itself sensible"). As a result, although the Justices of this Court have stated that their opinions "are limited to advice upon important legal questions pending in the body entitled to the advice," *id.* at 88 (emphasis added), it is evident that, in terms of inquiries from the Governor and Council, it is often the joint resolution itself (occasioned by "mutual concern") that serves to qualify the question as appropriate for review. *See id.*; *see also Opinion of the Justices*,

96 N.H. 513, 515 (1949) (answering questions pertaining to responsibilities of the Governor and a reorganization committee, but not the Executive Council, based on an “assumption that that our opinion may be of use”);² *In re Opinion of Justices*, 79 N.H. 535, 535 (1919) (“The resolution . . . fails to make clear what action of your body is dependent upon the answer to that question. But upon the assumption that our opinion may be of use to you in the performance of the duties legally imposed upon you, we herewith respectfully answer.”). The request presently at issue was properly submitted by Governor with a vote of approval from the Executive Council. The plain language of the constitution does not require anything more. N.H. CONST. pt. II, art. 74; *Duncan*, 166 N.H. at 640.

In the past, when advice sought by Governor and Council truly bears no relation to any theoretical question before the Governor or the Executive Council, the Justices have declined to opine, but such cases are distinguishable here. For example, in *Opinion of the Justices*, 93 N.H. 477 (1944), the Governor and Council sought advice as to the correctness of a legal position taken by the State Tax Commissioner and represented that such advice “will greatly assist the Tax Commission and the Assessors throughout the state.” *Id.* at 477. The Justices succinctly declined to answer what was, in effect, a question relayed from the Tax Commission, explaining that “no duty to assess taxes devolves upon the Governor and Council[.]” *Id.* at 478. Similarly, in *Opinion of the Justices*, 67 N.H. 600 (1892), the Governor and Council sought advice regarding a discrepancy as to the terms to which town moderators were elected, noting that “serious contention and trouble may arise of confusion in the public mind concerning the legal construction of [the statutes at issue.]” *Id.* at 600. The Justices did not provide the clarification sought for “the public mind” on the basis that the answer would not assist the executive’s

² *But see id.* at 516 (Duncan, J., writing separately from the four-justice majority to decline to answer on basis that “the resolution suggests no occasion for action on the part of the inquiring body.”).

exercise of any unspecified power or performance of duty. *Id.* at 601.

The instant case is distinct. Here, the Governor and Council are not serving as a conduit for another State official or department, or the public, but instead, seek the Justices' advice in advance of an important decision of the Governor. That the executive councilors do not vote or advise as to the approval or veto of SB 1264 does not alter the fact that this is an "important question of law" relative to an impending act of the Governor. Where the Executive Council has, by approving the Governor's resolution, expressed its "mutual doubt" as to the constitutional validity of the forthcoming executive action on HB 1264, the Justices of this Court should provide the requested advice. *Opinion of the Justices*, 113 N.H. at 88. As indicated in the Governor's resolution, the Justices' provision of such advice will, under the present circumstances, be in furtherance of both the Governor's constitutional obligation of "faithful execution of the laws" and the Executive Council's constitutional duty to competently advise the Governor. N.H. CONST. pt. II, art. 41, art. 60.

This conclusion is further supported by the fact that the Justices routinely provide the legislature with constitutional guidance in relation to proposed legislation that is in a similar posture before either the House or the Senate. *See, e.g., Opinion of the Justices*, 162 N.H. 160, 163 (2011) (analyzing at Senate's request constitutionality of bill that had already passed the House); *Opinion of the Justices*, 160 N.H. 180, 182 (2010) (assessing constitutionality of pending legislative amendment relating to DUI breathalyzer tests); *Opinion of the Justices*, 157 N.H. 265, 266-68 (2008) (examining under Part 1, Article 11, the constitutionality of voting legislation pending before the House); *Opinion of the Justices*, 155 N.H. 524, 525 (2007) (addressing proposed legislation pertaining to authority of marital masters).

The outcome should not differ here. The Governor and Council's request for the Justices' review of HB 1264 in order to facilitate a determination as to whether to approve or veto the bill is wholly analogous to a request by the legislature seeking advice on whether certain statutory language is sufficient to proceed through the legislative process. For example, in *Opinion of the Justices*, 118 N.H. 582 (1978), the Governor vetoed legislation that had passed the House and Senate based upon his "reservations about the constitutionality of that bill[.]" *Id.* at 583. In response, the House requested the Justices' advice as to the constitutionality of the bill "before taking action on the Governor's veto message." *Id.* (emphasis added). The Justices obliged, and provided a comprehensive constitutional analysis. *Id.* at 585.

The instant request for an advisory opinion is, therefore, functionally equivalent to that which the Justices honored in the above-cited opinion. The only difference—that it is the executive branch seeking the advice with regard to its duty to finally authorize legislation—does not change the Justices' constitutional obligation to opine. Because it is apparent that the Justices would freely analyze the present version of HB 1264 at the House's request in the event of a veto, there is no prudential end to be served by avoiding the question when raised by the executive. The Governor's duty to decide whether to sign a bill into law or to veto it is just as acute as that of either the House or Senate in passing the bill. Thus, because Part II, Article 74 would require the Justices to render an advisory opinion on questions identical to those at hand if requested by the legislature, the Justices should similarly interpret the constitution as entitling the Governor and Council to an opinion on this important legal question.

B. The Governor’s final execution of HB 1264 is a determination that is presently awaiting consideration and action, and, therefore, meets the temporal requirement for an opinion of the Justices.

The Justices have imposed a temporal prerequisite in that the decision maker seeking the opinion must do so as a means of furthering the outcome of a presently pending determination. *Opinion of the Justices*, 142 N.H. 892, 897 (1998) (explaining that the important legal question must be “awaiting consideration and action”). This condition is satisfied here. HB 1264 passed both the House and Senate and is now enrolled. Absent extraordinary circumstances, it will soon come to the Governor for either approval or veto, and, at that point, he will have just five days to respond. N.H. CONST. pt. II, art. 44. Thus, the executive determination at hand is appropriately ripe for the Justices’ guidance.

This is in line with prior opinions of the Justices addressing the substantive issue despite the fact that the underlying governmental action was not at its immediate, “penultimate stage.” *Opinion of the Justices*, 142 N.H. at 897 (rejecting argument that Justices should not opine on bill until it was “ready for an ‘ought to pass’ vote”). Indeed, rather than demand a showing of imminence, the Justices have often supplied their guidance based solely on an “assumption” that it would subsequently be of value. *See, e.g., Opinion of Justices*, 110 N.H. 359, 361 (1970) (“The questions concern the executive duties of the Governor and Council and upon the assumption that an opinion would assist in the performance thereof, we deem it a proper subject for an opinion.”); *Opinion of Justices*, 105 N.H. 125, 127 (1963) (furnishing opinion to House after session adjourned noting possibility that the guidance could be useful “at a possible special session or the next regular one”) (citation omitted); *Opinion of the Justices*, 102 N.H. 183, 184-85 (1959) (advising Governor and Council “upon the assumption that an opinion would assist” in performance of the executive’s duties); *Opinion of Justices*, 96 N.H. 513, 514 (1949) (“[U]pon

the assumption that our opinion may be of use to you in the performance of the duties legally imposed upon you, we herewith respectfully answer.”); *Opinion of Justices*, 93 N.H. 474, 475 (1944) (“[S]ince there is a possibility, even though it be remote, that our opinion may be of use to the present Legislature in the performance of its official duty, we deem it obligatory on our part to return an answer.”). As explained above, due to HB 1264’s enrolled status, the Justices can safely assume that their opinion on the constitutionality of the bill will prove useful to the Governor in determining whether to enact HB 1264.

Contrastingly, were the Justices to conclude that SB 1264’s enrollment does not constitute a scenario that is sufficiently imminent to be deemed ripe for judicial input, this would effectively preclude any Governor from obtaining crucial enactment-related advice. To require that the Governor request the Justices’ counsel within the five-day window following the bill’s presentation is plainly infeasible as it leaves the Justices with inadequate time to properly consider the matter.

As explained above, the Governor and Council’s inquiry as to the constitutionality of legislation placed before the Governor is no different than that of the legislative body tasked with passing it. In fact, a governor’s need for such advice is perhaps a more solemn an occasion because, unlike the legislature, a governor cannot modify or refine the bill’s language. In addition, whereas a decision by one body of the legislature to pass the bill may be rendered ineffective by a vote of the other legislative body or by a governor’s veto, a governor’s decision to sign the bill is final and ensures that the bill will become law. To deny the executive branch the Justices’ insights on SB 1264 on rigid temporal grounds when it is plain that an analysis would be obligatory had it come from the House or Senate would not be in keeping with the Justices’ prior decisions or the plain language of Part II, Article 74, which “require[s]” guidance.

C. Consideration of the constitutionality of HB 1264 will not interfere with “orderly procedure” because there is no pending litigation that would address the inquiry at issue or be disrupted by an advisory opinion.

On prior occasions, the Justices have determined that the existence of ongoing litigation touching upon a substantively “identical” legal issue counsels against an advisory opinion when such opinion would disrupt the “orderly procedure” of the concomitant litigation. *See, e.g., Opinion of the Justices*, 167 N.H. 539, 542 (2015) (declining to opine where Court had “fully briefed” appeal before it on issue that was “similar, if not identical to,” that raised in the request for opinion); *Opinion of Justices*, 104 N.H. 342, 344 (1962) (declining to weigh in on legality of Governor and Council appointment of agency commissioner when same appointment was the subject of existing litigation). There is no analogous coinciding litigation here.

HB 1264, as passed by the General Court, would modify the definitions of RSA 21:6 (“resident” or “inhabitant”) and :6-a (“residence”). RSA chapter 21 is New Hampshire’s “dictionary act.” It provides default definitions of terms used throughout New Hampshire statutes unless a discrete statutory scheme defines the term differently or use of the definition prescribed by Chapter 21 is otherwise “inconsistent with” or “repugnant to” the intent of the statute under consideration. RSA 21:1. Although the definitions in RSA chapter 21 apply to the construction of the state’s election laws, *see, e.g., Guare v. State of New Hampshire*, 167 N.H. 658, 662 (2015) (applying RSA 21:6 and :6-a to determine whether voter registration form lawfully equated domicile and residence), they are not themselves part of the election statutes.

The Office of the Attorney General is not aware of any pending litigation that would address the constitutional issues raised by the Governor and Council’s request for an advisory opinion. Nor is it aware of any pending case that would be disrupted were the Justices to opine on the constitutionality of HB 1264.

There is a case pending in Hillsborough County Superior Court and a related petition for original jurisdiction before this Court involving a constitutional challenge to the statutory procedure by which a prospective voter establishes domicile when registering to vote. *League of Women Voters of New Hampshire, et al. v. Gardner, et al.*, Docket No. 226-2017-cv-433 (Hillsborough Super. Ct., Southern Dist.); *League of Women Voters of New Hampshire, et al. v. Gardner, et al.*, Case No. 2018-208 (N.H. Supreme Ct.).³ In those cases, however, the statutory definitions of “resident” and “residence” are immaterial. What is ultimately at issue in the *League of Women Voters* cases is whether the legislature may require a prospective voter to provide some evidence that he or she is domiciled in the town or ward in which the voter claims domicile before registering to vote or whether the constitution requires the state to accept a bare representation of domicile in the form of an affidavit.⁴ The constitutionality of HB 1264 has no bearing on that issue, and, therefore, the requested advisory opinion will not affect this litigation.

CONCLUSION

The Governor’s duty to act upon a bill that has passed the legislature is a fundamental responsibility of the executive, and inquiries into the constitutionality of such legislation are undoubtedly “important questions of law” within the meaning of Part II, Article 74. Consequently, where the Governor and Executive Council have jointly sought the Justices’ engagement as a means of resolving their mutual concern regarding the validity of the Governor’s impending action upon HB 1264, the Justices should maintain their traditional practice of providing their assistance to this state’s legislative process by addressing the constitutionality of HB 1264 as set forth in the Governor and Council’s resolution.

³ The petition for original jurisdiction with this Court will address only whether the state-wide voter registration database under RSA 654:45 is discoverable in civil litigation.

⁴ There are multiple jurisdictional, discovery-related, evidentiary, and legal sufficiency issues that require resolution before the trial court may take up this ultimate issue.

Respectfully submitted,

GORDON J. MACDONALD
ATTORNEY GENERAL



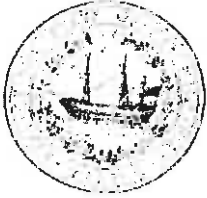
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Date: May 31, 2018

APPENDIX

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1. Governor's Resolution, dated May 14, 20181-3



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

May 14, 2018

The Honorable Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Request to adopt a resolution directing questions regarding House Bill 1264 to the New Hampshire Supreme Court.

EXPLANATION

Pursuant to Part 2, Article 74 of the New Hampshire Constitution, I am requesting that the Executive Council adopt the attached resolution requesting that the Justices of the Supreme Court give their opinion and answer important questions of law regarding House Bill 1264.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christopher T. Sununu".

Christopher T. Sununu
Governor

Resolution of the Governor and Executive Council

May 16, 2018

WHEREAS, Part 2, Article 41 of the New Hampshire Constitution provides, in pertinent part, that “The governor shall be responsible for the faithful execution of the laws” and that “He may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state;” and

WHEREAS, Part 2, Article 60, provides, in pertinent part, that the duties of the Executive Council include “advising the governor in the executive part of government;” and

WHEREAS, Part 2, Article 74 of the New Hampshire Constitution provides, in pertinent part, that the “Governor and Council shall have authority to require the opinions of the justices of the Supreme Court upon important questions of law and upon solemn occasions;” and

WHEREAS, House Bill 1264 was passed by the New Hampshire House and Senate and is currently pending in the enrolled bills process, upon completion of which the bill will be placed before the Governor for his action; and

WHEREAS, House Bill 1264, if it becomes law, would amend the statutory definitions of the terms “resident” and “residence” in RSAs 21:6 and 21:6-a to remove the words “for the indefinite future” in each of the aforementioned definitions; and

WHEREAS, House Bill 1264, if it becomes law, would eliminate any substantive difference between a person who is domiciled in New Hampshire for voting purposes and a person who is a resident of New Hampshire, thus subjecting those who are domiciled in New Hampshire for voting purposes to the same legal requirements as those who are residents of New Hampshire; and

WHEREAS, legal requirements for residents of New Hampshire include, but are not limited to, the requirements to take actions required by RSAs 261:45 and 263:35 and to pay any fees or taxes associated therewith; and

WHEREAS, multiple individuals and organizations have communicated to the Governor their concerns that House Bill 1264 would, if it becomes law, on its face and as applied to students attending a postsecondary institution within the State of New Hampshire who currently claim New Hampshire as their domicile for voting purposes but who do not claim New Hampshire as their residence, violate the New Hampshire and United States Constitutions; and

WHEREAS, in light of the Governor’s duty to enforce compliance with constitutional mandates, constitutional concerns regarding House Bill 1264 should be seriously considered as part of the Governor’s pending decision regarding the appropriate action to take on House Bill 1264; and

WHEREAS, the Governor and Executive Council believe that the heightened public interest in House Bill 1264 and the constitutional questions that flow from the meaning and effect of the language of House Bill 1264 render this a solemn occasion upon which the justices of the Supreme Court should be required to give their opinion on important questions of law pursuant to Part 2, Article 74 of the New Hampshire Constitution.

NOW, THEREFORE, BE IT RESOLVED by the Governor and Executive Council that the Justices of the Supreme Court be respectfully requested to give their opinion and answer the following important questions of law:

I. By subjecting those who are domiciled in New Hampshire for voting purposes to the same legal requirements as those who are residents of New Hampshire, including but not limited to the requirements to take actions required by RSAs 261:45 and 263:35 and to pay any fees or taxes associated therewith, would House Bill 1264, on its face, violate any of the following provisions of the New Hampshire or United States Constitutions?

(a) The Equal Protection Clause of Part I, Article 2 of the New Hampshire Constitution.

(b) Part I, Article 11 of the New Hampshire Constitution.

(c) The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

II. By subjecting those who are domiciled in New Hampshire for voting purposes to the same legal requirements as those who are residents of New Hampshire, including but not limited to the requirements to take actions required by RSAs 261:45 and 263:35 and to pay any fees or taxes associated therewith, would House Bill 1264, as applied to students attending a postsecondary institution within the State of New Hampshire who currently claim New Hampshire as their domicile for voting purposes but who do not claim New Hampshire as their residence, violate any of the following provisions of the New Hampshire or United States Constitutions?

(a) The Equal Protection Clause of Part I, Article 2 of the New Hampshire Constitution.

(b) Part I, Article 11 of the New Hampshire Constitution.

(c) The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

AND BE IT RESOLVED THAT the Secretary of State be directed to submit a copy of this resolution to the Clerk of the Supreme Court.