

# THE STATE OF NEW HAMPSHIRE

## SUPREME COURT

**In Case No. 2018-0267, Request for an Opinion of the Justices (Amending Definition of Resident and Residency), the court on May 17, 2018, issued the following order:**

On May 16, 2018, the secretary of state filed a copy of a resolution approved by the governor and executive council requesting an opinion of the justices on House Bill 1264, relative to the construction of the terms “resident,” “inhabitant,” and “residency” in RSA chapter 21.

The governor and executive council have requested that the justices of the supreme court give their opinion upon the following 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.

Memoranda on the questions presented by the request may be submitted by any legislator, attorney, organization, interested party, or member of the public on or before 12:00 noon, May 31, 2018. An original and eight copies of any memorandum must be filed with the clerk's office.

Lynn, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Eileen Fox,  
Clerk**

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