

**Are you confused about BALLOT QUESTION 1 and BALLOT QUESTION 2 ?
We found the explanation below helpful.**

From Jeanne Hruska, ACLU of New Hampshire, October 2018

The ACLU of New Hampshire supports both proposed constitutional amendments. Here are the toplines on both. I'm happy to talk to folks if there are still questions. – Jeanne Hruska

QUESTION 1 would restore taxpayer standing to the New Hampshire Constitution, thereby providing broader access to state courts to ensure government accountability. Prior to recent New Hampshire Supreme Court rulings, taxpayer standing had been permitted for over a century claiming it was a critical tool to hold the government accountable when it violates fundamental rights.

- Taxpayer lawsuits against government have been allowed since 1863. In 2014, a New Hampshire Supreme Court decision eliminated that right. QUESTION 1 would restore it.
- The Question 1 Proposed Amendment passed the NH Senate, 22 to 2, and the NH House, 309 to 9.
- FYI: The State of New Hampshire is trying to defeat a legal challenge to the SB3 Voter Registration Law, almost purely on standing grounds. If we had taxpayer standing, the state would not be able to use that argument.

QUESTION 2 would add an explicit right to privacy for personal and private information to the New Hampshire Constitution. Despite being considered the national leader on privacy, the word 'privacy' shows up nowhere in our state constitution. QUESTION 2 would require law enforcement to acquire a probable cause warrant before gaining access to such things as your online search history. We need our right to privacy to be just as robust as our technology.

- While Part I, Article 19 of our state constitution provides some protection in the arena of police investigation, QUESTION 2 provides much broader protection against a wider array of governmental intrusion of private and personal information outside the criminal investigation context.
- It would require the government to show a compelling state interest in obtaining access to the personal and private information before a court would order such access. Sometimes, the state will be able to meet that burden, particularly when public safety is at risk, and sometimes it would not.
- Example: Currently, the police can collect your DNA from any item you leave behind somewhere – be it a cigarette butt in the police station, a coffee cup at a business meeting, or your desk at work. QUESTION 2 would allow them to seize the item on which the DNA was present but would require them to get a search warrant to access and utilize the DNA, just as the Supreme Court has required them to do when entering cellphones to collect data.

<http://www.unionleader.com/article/20181014/OPINION02/181019821>

<https://www.aclu.org/blog/privacy-technology/surveillance-technologies/election-day-voters-new-hampshire-can-protect>



*This information from the ACLU
of NH is offered to you, courtesy
of the Temple Democrats*