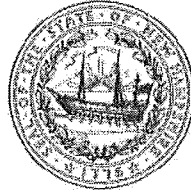


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 24, 2021

Lavanya Prabhakar
[REDACTED]

Boxborough, MA 01719

Re: Lavanya Prabhakar, Alleged Wrongful Voting (2020145850)

Dear Ms. Prabhakar:

On November 2, 2020, this Office received a complaint from Richard Girard, which alleged that you wrongfully voted. Specifically, the allegation is that, during the 2020 election cycle, you were not actually domiciled in Manchester, New Hampshire, and that you were domiciled in Massachusetts. After carefully reviewing this matter, we conclude that you did not violate New Hampshire's election laws.

Factual Background

In reviewing this complaint, we examined information provided to us by Mr. Girard, spoke with the landlord of [REDACTED] Manchester, New Hampshire, spoke with a representative of the Boxborough, Massachusetts Town Clerk's office, obtained and reviewed your New Hampshire election records, reviewed your motor vehicle information, and spoke with you.

We understand that on or about February 1, 2020, you moved into and rented the residence located at [REDACTED] in Manchester. You explained that you lived at this address while you worked on Senator Jeanne Shaheen's re-election campaign.

On February 11, 2020, you registered to vote in Manchester on Election Day, during the February Presidential Primary. You indicated that you were domiciled at [REDACTED]. You also identified [REDACTED] Boxborough, Massachusetts as the last place you were registered to vote. You provided proof of your qualifications to vote in Manchester to the supervisors of the checklist. According to your Voter Registration form, your proof included a lease to prove your domicile and an out-of-state driver's (Massachusetts) license to prove your identity. This proof and your Voter Registration form were accepted by the supervisors of the checklist who added you to the checklist for Ward 1.

Analysis

In this case, your voter registration form indicates you showed proof of your domicile by presenting officials with your lease containing your name and domicile address for [REDACTED]. This lease agreement confirmed your domicile at this address during the time period of the 2020 State Primary and General Elections. This Office also acknowledges that during the 2020 election cycle, you did not vote in Massachusetts. Based on the forgoing and our interview with you confirming when you lived at [REDACTED] we conclude that [REDACTED] was in fact your domicile for voting purposes within the meaning of RSA 654:1.

Claiming domicile in New Hampshire for voting purposes also carries with it other obligations and responsibilities outside of election law.

A person who establishes a domicile/residence in New Hampshire and drives in New Hampshire must obtain a New Hampshire driver's license within 60 days of establishing his or her domicile/residence. See RSA 21:6; RSA 21:6-a; RSA 263:1; and RSA 263:35. A New Hampshire driver's license is not required to register to vote.

Additionally, a person who establishes domicile/residence in New Hampshire and owns a vehicle used in New Hampshire must register the vehicle in New Hampshire within 60 days of establishing his or her domicile/residence. RSA 261:45.

No one can be denied the right to register to vote or vote for being out of compliance with the requirements of the motor vehicle code.

However, the question of domicile is a continuing analysis that is not isolated to the proof provided at the time a voter registers to vote. When this Office is contacted with complaints or reports involving the domicile of a voter, it must review the totality of the circumstances to determine if a voter is in fact domiciled for voting purposes in the town or city he/she has registered.

In those instances, a lease alone may not be sufficient to establish the voter's domicile if intervening actions of the voter suggest they are domiciled outside the State of New Hampshire. Your actions in New Hampshire reveal your intent to make a place in New Hampshire your domicile/residence. Such actions include, but are not limited to, purchasing or leasing a principal (i.e. primary) house or apartment, obtaining a resident vehicle registration, placing dependent children in a publicly funded school, registering to vote, paying taxes applicable only to residents, etc. RSA 21:6; RSA 21:6-a; RSA 259:23; RSA 654:1. See also Establishing a Domicile/Residence in New Hampshire FAQ <https://www.doj.nh.gov/election-law/domicile-residence-faq.htm>

As you are no longer domiciled in New Hampshire, you cannot vote in this state until you re-establish domicile within the meaning of RSA Chapter 654.

The vehicle you drove in New Hampshire, bearing a Massachusetts license plate, was not registered to you, but to Vaideeswaran Prabhakar.

On December 7, 2020, Chief Investigator Richard Tracy received confirmation from the Boxborough Town Clerk's office that you did not vote in Boxborough during the 2020 election cycle.

On December 17, 2020, you spoke with Investigator Tracy. During your conversation with Investigator Tracy, you stated that you voted during New Hampshire's 2020 Presidential Primary, State Primary, and General Elections, you did not vote in Massachusetts during those elections, and you resided at [REDACTED] in Manchester from February 1, 2020, until November 30, 2020.

Applicable Law

In New Hampshire, in order to vote in a town, ward, or unincorporated place a person must be domiciled there. A "domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government." RSA 654:1, I.¹ "A person has the right to change domicile at any time, however, a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves." *Id.*

RSA 654:11 creates a presumption that the applicant is qualified to vote and authorizes the supervisors of the checklist to reject the application only if they conclude that it is more likely than not that the applicant is not qualified.² See New Hampshire Election Procedure Manual: 2020-2021, Pg. 170.

The supervisors must consider the applicant's manifestations of intent to maintain a single, continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. There are many types of documents that satisfy this requirement. Among those documents, election officials have recognized that a rental agreement, lease, or similar document that shows the applicant's name and the address of the applicant's domicile is satisfactory proof of domicile.³

¹ Pursuant to an order issued by the Hillsborough Superior Court in the matter of League of Woman Voters of New Hampshire, et al. v. William M. Gardner, et al., docket number 226-2017-CV-00433, in April of 2020, Laws of 2017, Chapter 205 (also known as "SB3") was struck down. As a result, the version of RSA Chapter 654 used here is the one in effect in 2016. The version of RSA 654:2 in effect in 2016 did not contemplate the concept of temporary presence, which was added by SB3.

² See also New Hampshire Election Procedure Manual: 2020-2021, Pg. 176, "A homeless person's domicile may be the street or parking lot where a person living in a car parks/sleeps, more than any other place. The domicile may be the home of another where, more often than any other, the homeless person sleeps on a couch. The domicile can even be the park or area under a bridge where, more than any other place, the homeless person sleeps."

³ Notably, before it was struck down by the Court, the Legislature, through SB3, similarly recognized evidence of renting or leasing an abode for a period of more than 30 days to be satisfactory proof of domicile.

Lavanya Prabhakar
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Please also be advised that if you remained in New Hampshire and attempted to vote again in this State, your failure to obtain a New Hampshire driver's license after you registered to vote, the fact that the campaign that employed you in this State has since ended, and the fact you no longer have a lease showing a place of residence, are significant factors that would undermine your claim of domicile, and bring into questions your qualifications to vote. To claim domicile in this State in the future, you would need to show that you have taken steps to re-establish domicile in this State.

Your potential violations of motor vehicle laws has been forwarded to the New Hampshire State Police to determine what enforcement action, if any, is appropriate.

Please be advised if, in the future, you seek to make New Hampshire your domicile you would be required to comply with the motor vehicle requirements outlined above, the violation of which could result in enforcement actions against you.

This matter is closed. Please feel free to contact me if you have any questions.

Sincerely,



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cc: Manchester City Clerk's Office
Manchester Police Department
William M. Gardner, Secretary of State
Richard Girard
Edward Naile