



**U.S. Department of Justice**

**Civil Rights Division**

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*Voting Section  
950 Pennsylvania Ave, NW – 4CON  
Washington, DC 20530*

August 18, 2025

Via Mail and Email

The Honorable David Scanlan  
Secretary of State  
State House, Room 204  
107 North Main Street  
Concord, NH 03301  
[david.scanlan@sos.nh.gov](mailto:david.scanlan@sos.nh.gov);  
[elections@sos.nh.gov](mailto:elections@sos.nh.gov)

**Re: New Hampshire's Voter Registration List**

Dear Secretary of State Scanlan:

We are writing in response to your letter of July 25, 2025, concerning the United States Department of Justice's request for a copy of New Hampshire's statewide voter registration list ("VRL"), including both active and inactive voters.

Despite New Hampshire's exemption from the National Voter Registration Act ("NVRA"), New Hampshire is subject to the Help America Vote Act ("HAVA"). HAVA provides independent authority for the Justice Department to seek the State's VRL through Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA's computerized statewide VRL requirements. *See* 52 U.S.C. § 21111.

In addition to the Attorney General's authority to enforce HAVA, the Civil Rights Act of 1960, codified at 52 U.S.C. § 20701, *et seq.*, requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for a period of 22 months after any federal general, special, or primary election.

52 U.S.C. § 20703 provides that *all* records or papers required to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative.

To that end, this letter serves notice that the Attorney General is making a demand pursuant to 52 U.S.C. § 20703 for a complete copy of the state of New Hampshire's statewide VRL. The purpose of this request is to ascertain New Hampshire's compliance with the list maintenance requirements of HAVA under 52 U.S.C. § 21083(b)(4)(A) and (B). The VRL is to include all fields, including all identifiers, including the registrant's full name, date of birth, residential address, and the last four numbers of each registrant's social security number and the full state driver's license number, as required by HAVA at 52 U.S.C. § 21083(a)(5)(A)(i). To the extent

that you claim state law prohibits you from providing this information, that is incorrect. If the federal voting laws and state law “do not operate harmoniously in a single procedural scheme for federal voter registration, then Congress has exercised its power to ‘alter’ the state’s regulation, and that regulation is superseded.” *Gonzalez v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc), *aff’d sub nom. Arizona v. Inter Tribal Council of Arizona, Inc.* (“ITCA”), 570 U.S. 1 (2013).

HAVA specifies that the last 4 digits of a social security number shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974. (52 U.S.C. § 522(a) note; see 52 U.S.C. § 21083(c)). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to accomplish its enforcement authority. In charging the Attorney General with enforcement of the VRL maintenance requirements in the Act, Congress plainly intended that the Justice Department be able to conduct an independent review of each state’s list.

To allay any privacy concerns, Section 304 of the CRA also provides, “Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.”

Accordingly, please provide the requested electronic Voter Registration List<sup>1</sup> to the Justice Department within seven days or by August 25, 2025. The information and materials may be sent by encrypted email to [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov) or via the Department’s secure file-sharing system, Justice Enterprise File Sharing (“JEFS”). Should further clarification be required, please contact Maureen Riordan at [maureen.riordan2@usdoj.gov](mailto:maureen.riordan2@usdoj.gov).

Regards,



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Assistant Attorney General  
Civil Rights Division

cc: Patricia Piecuch  
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<sup>1</sup> Containing *all fields*, which includes either the registrant’s full name, date of birth, residential address, their state driver’s license number or the last four digits of the registrant’s social security number as required by HAVA.