

## RIGHTS AND RESPONSIBILITIES OF CITIZENSHIP

### Qualifying as a Voter

When you turn 18, you have the right to vote in elections, unless you are incarcerated for a felony. The New Hampshire Supreme Court recently decided a case, in which it determined that the State Legislature had authority under the State Constitution, to pass laws regarding voter qualifications for inmates, and the existing statutes were upheld. Even if you have the right to, however, you must take some additional steps to exercise this right.

#### *Domicile (Where you live)*

In order to vote in New Hampshire, you must be domiciled here. Your domicile is where you live, and intend to live, for an indefinite period of time. You do not change your domicile by moving temporarily as long as you intend to return to your domicile in New Hampshire. For example, if you leave the State for an extended vacation, or because you are in one of the armed forces, or away at college, you may retain your domicile in New Hampshire. You may register to vote in New Hampshire, while you are out of state, by absentee ballot. If you register to vote in the another state, you risk losing your status of being domiciled in New Hampshire. You can have only one domicile. You may vote in the town, ward or unincorporated place where you are domiciled.

#### *Registration*

You may register to vote in the town or city in which you are domiciled. This may be done at the city or town clerk's office prior to Election Day, or at the polls on Election Day. Any person who is waiting to register to vote at the polling place on Election Day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

To register, you must complete a voter registration card and provide evidence to prove that you meet the requirements to vote. You may be asked to produce a birth certificate, naturalization documents, and proof of your domicile. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen.

The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed \$4,000.

If you register at the polls, you must bring at least two forms of identification, including photographic identification, and identification which shows your domicile is in the place you are registering to vote.

When you register to vote, you will have the opportunity to enroll in a political party, if you chose. Under New Hampshire law, you must be enrolled in a party in order to vote in that party's primary election. For example, if you register as a Republican, you may vote in the Republican primary, but not in the Democratic primary elections. You may vote, however, for any candidate from any party in a general election, regardless of your party affiliation. If you enroll with a party, you can always change your political party at a later date. If you do not enroll in a political party, you will be designated as an undeclared voter. As an undeclared voter, you may vote in any party's primary election, if the party rules permit. You should be aware that changing parties cannot be done on a primary election day and the town or city clerk can provide information on changing parties and on any time restrictions that apply. If you will be away from your domicile on an elections day, you should contact your town or city clerk well in advance of the elections, to obtain an absentee ballot.

### **Holding a Public Office**

While you are registering to vote, think about getting becoming more involved with your community and/or State government by running for a public office. For many local positions, such as State Representative or Selectman, the qualifications are the same as for voting - you must be 18 years old, a citizen of the United States, and be domiciled in New Hampshire.

### **Jury Duty**

Juries are an important part of our judicial system. Persons accused of serious crimes have a guaranteed right to a trial by a jury of citizens like themselves. In civil lawsuits, parties generally may choose to have their cases decided by a judge or a jury.

Qualifications as a juror include: (a) 18 years or older; (b) citizen of the United States; (c) resident in the county of jury service; (d) ability to read, speak and understand English; (e) not subject to a physical or mental disability which would bar effective jury service; and (f) have not been convicted of a felony unless it has been, or is eligible for, an annulment. All people that meet the qualifications are subject to being called for jury duty.

Juries are picked from names randomly selected from the Department of Safety's drivers' license list, and from a list of registered voters. These lists are confidential and only to be used for the purposes of jury selection.

Jurors receive nominal pay for their service, currently \$10.00 for each half-day of attendance, and reimbursement for mileage to and from the courthouse. Your employer is not required to pay you while you are on jury duty, although some employers do, and others allow you to use vacation time to minimize any loss of pay. Your employer cannot fire you, or otherwise discriminate against you because you performed jury duty.

Being called to serve on a jury does not mean that you will sit in on a trial as a juror. More people are called than are needed, because some individuals may be discharged or excused by the court. If you are called for jury duty, you must go unless you are excused for some valid reason that is accepted by the court. If you are a college student and are called for jury duty

during final exam week, most courts may excuse you temporarily, and add your name to the jury list for a summer session. If you are called for jury duty and do not appear, you may be charged with contempt of court. Your jury service will not last longer than 30 days, unless the grand jury or trial is in progress, in which case you will be required to serve until the process is completed. If you serve on a jury, your name will not be drawn again for at least three years.

## Involvement in a Lawsuit

You may become involved in a lawsuit by either filing a civil lawsuit, in which you are the plaintiff, or by being sued, in which case you are the defendant. You may also become involved in a lawsuit if you are a witness or otherwise have knowledge relevant to a civil or criminal case. If you have any information about a crime, you should disclose the information to the police. If you have information about either a criminal or civil matter, you could be called as a witness at trial or asked to give information prior to the trial. Through the subpoena power granted by the court, attorneys can force an unwilling witness to provide information and/or documents.

Different courts in New Hampshire handle various kinds of cases and, whether you are defendant or plaintiff, or witness, you should know the functions of the different courts.

- ***District Court:*** These courts are located in cities and large towns and hear small claim cases, civil cases involving damage claims up to \$25,000, landlord/tenant disputes, and criminal cases involving violations and misdemeanors. The district courts are experimenting with jury trials in criminal cases.
- ***Probate Court:*** Each county has a probate court. These courts have jurisdiction over adoption, guardianships, name changes, and matters involving wills, estates and trusts. Probate courts determine when parents should lose custody of their children due to abuse, neglect or other reasons. Probate Courts have jurisdiction over termination of parental rights and may have concurrent jurisdiction with the Superior Court in cases involving charitable uses and trusts, durable powers of attorney and waivers for marriage of minors. Probate judges also can commit an individual to the New Hampshire Hospital in cases of mental illness. Jury trials are not available in Probate Court.
- ***Superior Court:*** Each county has a Superior Court, with two in Hillsborough County. Superior Court is the only state court of general jurisdiction, meaning it has jurisdiction over all matters that are not assigned, exclusively, to other courts). For example, adoptions are exclusively assigned to the Probate Court, and cannot be brought in Superior Court. Superior Court has concurrent jurisdiction in some matters with other courts. For example, a Local District Court or a Superior Court may hear minor crimes. Superior Courts have jurisdiction over both criminal and civil matters. Juries are available in Superior Court and there is no limitation on the amount of damages that a Superior Court jury can award.

- ***Family Division:*** In Rockingham and Grafton counties, there is a court established as part of a pilot project, which hears family law matters, such as divorce, custody, and guardianship.
- ***New Hampshire Supreme Court:*** The Supreme Court supervises the State court system, handles admissions and discipline of attorneys, and hears appeals from the lower courts and administrative agencies. The Supreme Court is located on Noble Drive in Concord, NH. For additional information, visit the court's website at <http://www.state.nh.us/courts/home.htm>.
- ***United States District Court for the District of New Hampshire:*** This federal court hears only cases in which there is an alleged violation of federal law, or in which the plaintiff and defendant are from different states and the claimed damages are \$75,000 or greater. For additional information, visit the court's website at: [www.state.nh.us/courts/supreme.htm](http://www.state.nh.us/courts/supreme.htm)
- ***United States Bankruptcy Court for the District of New Hampshire:*** This federal court hears only bankruptcy cases. Individuals and businesses in New Hampshire may file under one of the four chapters of the Federal Bankruptcy Code. These include: (a) Chapter 7, Liquidation; (b) Chapter 13, Repayment of all or part of the debts of an individual with regular income; (c) Chapter 11, Reorganization; and (d) Chapter 12, Adjustment of debts of a family farmer with regular income. For additional information, visit the court's website at <http://www.nhb.uscourts.gov/>.

*For more information see "You and the New Hampshire Courts" by the New Hampshire Bar Association.*

## Ownership of Guns

Under both the United States Constitution and the New Hampshire Constitution, you have the right to bear arms, unless you have been convicted of a felony in New Hampshire or any other jurisdiction. This right, however, has limitations. Although you do not need a license or permit to **buy** a gun, the laws of New Hampshire require that you have a license to **sell** pistols and revolvers. You are required to have a license to carry a loaded pistol or revolver in any vehicle or in a concealed manner outside your home or business. Be careful; even if you lawfully own a gun and have a license, you cannot carry a loaded or unloaded pistol, revolver, firearm, or any other deadly weapon into a courtroom or area used by a court. You can obtain a license to carry a gun, and more information regarding your rights of ownership of guns, by contacting the selectmen of your town, the mayor, or the chief of police.

If you wish to carry arms to hunt, you must comply with certain laws including obtaining an appropriate hunting license. Check with the New Hampshire Department of Fish and Game for more details on hunting regulations and licenses.

## Taxes

You may have heard the adage that the only two things that are certain in life, are death and taxes. The federal, state and local governments have the right to impose various taxes, including sales tax, property tax, estate and gift tax and income tax. The city or town where you live imposes a property tax if you own real estate, and an excise tax on your motor vehicles. The New Hampshire State government does not tax either the items that you buy, or your earned income. New Hampshire does impose a tax on rented housing, interest and dividends, and business profits and business enterprises. The tax on business profits is now 8.5% rather than 8%. Also, if you are employed in another state, you must comply with that state's tax laws for the income earned in that state.

The federal government imposes income and social security taxes. While everyone is responsible for paying federal income taxes, children in school usually do not make enough money to have to pay, or in some cases, file an income tax return. If, however, you start working, chances are that you will be required to file a federal income tax return. Most employers withhold federal income taxes from your pay. If more taxes are withheld than actually owed, you will be entitled to a refund when you file your income tax return. If you paid too little, you must pay the shortage when you file. If your underpayment is significant, you may be subject to a fine, in addition to having to pay the shortage.

You can obtain more information on tax returns at your local post office or library. Be sure to mark April 15<sup>th</sup> on your calendar, as this is the date by which tax returns must be filed with both state and federal authorities.

## Military Service

Currently there is no draft in the United States. However, in order to maintain a listing of eligible young men, every male, citizen and alien, born on or after January 1, 1960, who has reached his 18<sup>th</sup> birthday, **must register** for the draft within 30 days after his 18<sup>th</sup> birthday. You may register up to 120 days before your 18<sup>th</sup> birthday.

To register, go to your local post office and fill out a registration form. Failure to register is a federal crime, punishable by up to five years imprisonment, and/or a fine of up to \$250,000. Registration is also a requirement to qualify for Federal student aid, job training benefits, and most Federal employment. If a draft occurs, you will be notified and ordered to appear for a physical examination and processing. With parental consent, young men and women can enlist in the armed forces at age 17.