

Concord Monitor

N.H. officials weighing another round of voter ID, eligibility changes

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Monday, April 6, 2015

(Published in print: Monday, April 6, 2015)

As presidential hopefuls swing by New Hampshire on a near-weekly basis to start making their pitches to prospective voters, state officials – in the legislative, executive and judicial branches – are busy weighing a number of changes that could affect who’s able to cast a ballot here in 2016.

“There are ideas, depending on what party you belong to, as to how elections should look,” David Scanlan, deputy secretary of state, explained in an interview last week. “And there’s always a tension that takes place between ease of voting and just doing our best to protect the elections from fraud. The tug of war takes place with every change of party that’s in power.”

To be sure, Scanlan said, the evidence doesn’t suggest that voter fraud is rampant in New Hampshire. One or two cases reported to his office or the attorney general’s office are prosecuted after each election, he said – out of thousands of votes cast overall.

“We know it does exist,” Scanlan said. “It does not appear it is widespread or on a large scale.”

This legislative session alone, [state legislators have introduced](#) more than a dozen bills on voter registration, voter identification or the electoral process in general. Included among them:

- A bill that would have [expanded primary voting eligibility to 17-year-olds](#) who would be

eligible in the forthcoming general election, which was deemed inexpedient to legislate.

- A proposal to [authorize straight-ticket voting](#), also deemed inexpedient to legislate.

■ An attempt to bring New Hampshire into an [interstate “crosscheck” program for voter](#)

[information](#). Legislators ultimately killed this proposal, citing concerns about the program’s reliability and “the potential for fraud and identity theft.”

■ A bill to begin a “trial program” for electronic voter check-in, also deemed inexpedient to

legislate.

Most of the other proposals have also fizzled out, but a few are gaining traction.

This week, [the House committee on election law is set to take up a bill approved by the Senate](#) that would limit voting eligibility to people who have established their “domicile” in New Hampshire for voting purposes for at least 30 days before an election. A public hearing on this bill is scheduled for 10:30 a.m. tomorrow at the Legislative Office Building.

New Hampshire has several different standards of what it means to be either “domiciled” in or a “resident” of the state.

“You have your domicile for voting purposes, domicile for residency purposes, domicile for motor vehicle purposes,” Scanlan said. “And so it makes it difficult to come up with that definition of domicile that everyone can understand.”

Another bill introduced in the House [also attempted to change the definition of “domicile” for voting purposes](#) – originally, it sought to tie voting in New Hampshire to residency for motor vehicle purposes.

A later [amendment to the bill](#) would have added a list of “factors” that could be considered “as evidence of a person’s domicile.” These would include someone’s school district, their address on federal tax returns, their residence for the purposes of applying for either driving or hunting and fishing licenses, “the place where the person spends the most nights of the year” and “the place where the person keeps his or her most valuable and precious possessions.”

Supporters of the bill argued that the law would simply codify existing requirements already considered by town officials who are trying to determine voter eligibility, [according to the majority opinion from the election law committee after the bill’s initial hearing](#). Opponents in the Legislature, on the other hand, have raised concerns that this language would be confusing for town election officials and a potential deterrent to voters.

The bill has been put on hold, however, after the House [requested an opinion from the New Hampshire Supreme Court on the constitutionality of the original bill](#) – which focused only on motor vehicle requirements in relation to voting eligibility.

Among those weighing in on that question are the New Hampshire Civil Liberties Union, the League of Women Voters of New Hampshire and the Fair Elections Legal Network. [In a brief filed on the case last week](#), the groups argue that tying voter ID to residency for motor vehicle purposes would treat voters unequally and could amount to an unfair “poll tax” in the form of registration and license fees.

The groups also take issue with the bill’s potential to blur the lines between the state’s distinction between what it means to be “domiciled,” the existing standard for voting, and what it means to be a “resident.”

Hot topic

The Granite State is hardly alone in wrestling with these issues. Voter identification laws have been a particularly hot topic across the country in recent decades, [according to the National Conference of State Legislatures](#). New voter ID requirements have increased across the country since 2000, and as of this year some 34 states have some kind of voter ID law in place, [according to the NCSL](#).

New Hampshire [added new requirements for voter ID in 2013 under a compromise plan](#) that, among other things, retained student identification cards as valid forms of identification and allowed seniors to use expired driver’s licenses. According to the secretary of state’s office, other acceptable forms of ID would include a driver’s license from any state, a non-driver ID card, an armed services ID card, a passport and several others.

Under that 2013 law, this year marks the first election cycle during which voters will have to be photographed by election workers at the polls if they don’t meet ID requirements. As recently as this month, the plans for how this requirement would work in practice are still up for debate.

As the House was developing its budget proposal in recent weeks, representatives tacked on an amendment that would no longer require the secretary of state’s office to provide local officials with “photography and printing supplies necessary for voters without identification.” Instead, some representatives pointed to the ubiquity of camera phones and other digital photography equipment as an alternative.

But, [as reported in a recent article by the Valley News](#), some town moderators have been quick to take issue with the change in equipment expectations – arguing that the move essentially sets up an unfunded mandate. Some clerks have said the idea of asking local officials to use their cell phones to photograph voters also raises additional questions related to privacy and records retention, according to the Valley News.

The secretary of state’s office will be watching the issue closely, Scanlan said. The budget proposal could pose “some significant issues” if local officials are being asked to use personal

equipment to take photos for official state purposes, he said, and would likely complicate any statewide attempts to train local officials to properly enforce the new law.

“If there are 230 different types of camera phones or cameras used at the polling places, it will be difficult for us to train uniformly at polling places,” Scanlan said.

Scanlan stressed that this, like many of the other voting proposals, is still far from final. In the meantime, he advised residents to turn to the secretary of state’s website, sos.nh.gov, for more information on the current requirements.

The office will be updating it eventually to “address the issue of requiring a photograph at a polling place if someone doesn’t have an acceptable ID,” he said, “but we’re probably not going to put something up until we know what the law’s going to look like when the dust settles.”

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