

Words from the Presidents...

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What a whirlwind election season we are having! As you know from reading newspaper accounts, the League was a plaintiff, along with the ACLU and four college students, in a suit challenging the addition to the voter registration form of a line requiring registering a car in NH. On Sept. 24, the judge ruled in our favor and directed that registration forms be reprinted with that requirement deleted. See more on that story elsewhere in this newsletter.

We have also been trying to spread accurate information about voter ID requirements for 2012. As the media reported, some ballot officials were overly zealous at the polls in September in demanding photo ID. It was NOT required then. We have passed along information about voter harassment to the state Attorney General and the Secretary of State. We have also asked the Secretary of State to take definite steps to educate the public about what is required for the November 6 general election. More details inside.

None of this voting work would have been successful without the tireless efforts of a former board member, our own election law specialist Joan Ashwell. The board can't begin to say how much we appreciate all she has done, from fighting the restrictive legislation last spring in many committee hearings, to fine-tuning flyers and issuing press releases, to working with attorneys on the lawsuit, to speaking with the media with a firm and clear voice that voting rights are to be protected. Thank you, Joan—you are League personified.

In this newsletter you will see a number of articles with suggestions: Here's what YOU can do. Please help the League and the cause of voter education by taking action.

Liz Tentarelli and Sally Davis, co-presidents

Latest News on Voter ID

The new voter ID law got off to a shaky start on Primary Day. In several dozen towns, election officials clearly did not know that they were only supposed to request a photo ID and then give voters information about the law's requirements for November. Instead, The League and other voting rights groups were swamped with calls from voters who were harassed if they didn't show a photo ID, told they had to fill out an affidavit to get a ballot and, in a distressing number of cases, prevented from voting.

The League and other groups are working with lawyers to try to get the Attorney General and the Secretary of State to provide training to election officials and accurate information to the public about the voter ID law's requirements for November. The LWVNH just completed a survey that shows only about 30% of N.H. cities and towns include voting information on their government websites.

On the other major voting issue, Strafford Superior Court Judge John Lewis recently ordered the Secretary of State to issue new voter registration forms for this election deleting a paragraph that advised all voters they would be subject to registering a car and getting a state driver's license if they registered to vote. The order also instructed the Secretary of State to inform election officials in towns and cities to immediately begin using the corrected voter registration form.

The petition for an injunction against the law was filed by the N.H. Civil Liberties Union on behalf of four college students who came from other states to study here and who plan to leave after their studies are complete. The League of Women Voters N.H. and Joan Flood Ashwell were also plaintiffs.

In court, the Attorney General's office agreed with the League that domicile for voting and residency for motor vehicle purposes have different and contradictory meanings in N.H. law. Merely adding a sentence to the voter registration form didn't change the underlying laws which protect the voting rights of students and others who may live in N.H. for a few years but plan to leave at a certain date. The state is appealing other issues in the lawsuit in the N.H. Supreme Court.

On October 9, the *supreme court denied the State's Emergency Motion for Stay. This means the requirement to register a car and get a driver's license will not be in effect for this election.*

Please visit the front page of the League's website - lwnh.org - to find complete and accurate election information which can be downloaded and reprinted

Our thanks to [Peppercorn](http://www.nxtbook.com/nxtbooks/peppercorn/20120910/index.php), an online magazine highlighting feature stories for women in the Northeast, for their free full-page ad about voter ID in NH. This appeared in the September-October online edition. Check it out—online subscriptions are free. Great looking e-zine. <http://www.nxtbook.com/nxtbooks/peppercorn/20120910/index.php>
Or find Peppercorn on Facebook.

The Executive Council – An Important Choice for Voters

The Governor and Executive Council form of government are unique to New Hampshire. No other state has selected this colonial vestige of a two-part executive branch of government. Vote with care for your next Executive Councilor.

The duties and responsibilities of the Executive Council include:

- ...Approving nominations from the Governor of judges, commissioners, notaries public, justices of the peace and commissioners of deeds;
- ...Approving nominations from the Governor for Commissioners, Deputy and Assistant Commissioners;
- ...Approving nominations from the Governor for representatives serving on various state agencies, boards and commissions;
- ...Hearing requests for pardons;
- ...Approving the receipt and expenditures of state and federal funds, as well as budgetary transfers within the departments;
- ...Approving all contracts with a value of \$10,000 or more;
- ...Ensuring that all major executive branch business is conducted in public;
- ...Playing a vital role in improving the state's infrastructure, especially roads and bridges, via management and oversight of the state's 10 year highway plan and,
- ...Approving the spending of a major portion of the approximately \$5.2 billion that is appropriated annually by the legislature.

More to know:

...The Governor has the right to veto legislation without any involvement of the Executive Council. The Executive Council is not a legislative body. It is not mandated to set policy but to implement policies established by the legislature. However, by vetoing an item that comes before them, policy issues can be directly affected.

...New Hampshire is divided into five districts, each having one Executive Councilor. Each district represents approximately one-fifth of the population or 250,000 citizens. Councilors are elected every two years, concurrently with the Governor.

For more information about the councilors, minutes of their meetings and their meeting schedules, check the following website: www.nh.gov/council
All meetings of the Executive Council are open to the public.

Here's what YOU can do: When you meet Executive Council current members and candidates, ask them whether they would approve a contract to privatize NH's prisons. This may well come to their desk in the next several months. The League opposes privatization on several grounds, as expressed in recent issues of this newsletter. At a time when our corrections system is improving its recidivism numbers and more counties are using alternative sentencing, such as drug courts and mental health courts, to hand off the state's responsibility to rehabilitate offenders to a for-profit company whose goal is full prisons is both short-sighted and, in our opinion, unethical.

On the ballot November 6- Three Constitutional Questions

Two proposed amendments to the New Hampshire Constitution will appear on the November 6, 2012 ballot. Voters will be asked to answer YES or NO to each. The League urges its members to vote NO on the first two questions, based on state positions previously adopted by members. We don't have a position on the third question, but board members admit a reluctance to tinker with the Constitution.

Some background:

New Hampshire voters do not take amending the Constitution lightly. The Constitution should be changed only when there is a compelling reason why a segment of the Constitution is not applicable anymore. The issue must have current relevance that will also stand the test of time and be as relevant in the future as deemed today.

When a proposal to amend the constitution is passed by a 60% majority of both houses of the legislature, it must be placed on the ballot for voter consideration at the next general election. Two-thirds (67%) of the votes cast on the question must be Yes votes for the amendment to become part of our constitution.

Question 1 was proposed by a vote of the 2012 Legislature:

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows: Notwithstanding any general or special provision of this constitution, the general court shall not have the power or authority to impose and levy any assessment, rate, or tax upon income earned by any natural person; however, nothing in this Article shall be construed to prohibit any tax in effect January 1, 2012, or adjustment to the rate of such a tax.”

This amendment is generally referred to as the permanent ban on a state income tax.

A **YES** vote would ban the possibility of an income tax, beyond the taxes that already exist in NH. It binds future legislatures to a policy decision made by the current legislature.

A **NO** vote is NOT a vote for an income tax. A NO vote allows future elected representatives to make their own policy decisions about how to fund state obligations.

The League of Women Voters NH urges a NO vote. Enshrining in the Constitution a ban on one specific revenue source limits the options available to future legislatures to set fiscal policy.

Question 2 was proposed by a vote of the 2012 NH Legislature: Underlined portion is the proposed change to existing rule.

“Are you in favor of amending article 73-a of the second part of the constitution to read as follows: The chief justice of the supreme court shall be the administrative head of all the courts. The chief justice shall, with the concurrence of a majority of the supreme

court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law. The legislature shall have a concurrent power to regulate the same matters by statute. In the event of a conflict between a statute and a court rule, the statute, if not otherwise contrary to this constitution, shall prevail over the rule.

This amendment is generally referred to as the judicial rule-making amendment. The power to set rules for the administration and procedures in all courts in NH was consolidated in 1978 in the state Supreme Court by constitutional amendment, which became article 73-a. This made the court procedures consistent across the state and streamlined court operations, reducing confusion and costs.

The legislature currently has the power to make “substantive rules” in judicial matters (rules that define our rights). The court currently has the power to make “procedural rules.” These rules determine the means used by the courts to enforce individual rights.

The addition of the last sentence of the proposed amendment (underlined above) is the significant change to this article of our constitution.

Similar amendments appeared on the ballot in 2002 and 2004 but were defeated by the voters.

A **YES** vote would give the legislature more control than the chief justice of the state supreme court over the rules and procedures of the state courts.

A **NO** vote keeps the procedural control of the courts in the hands of the chief justice of the state supreme court.

The League of Women Voters NH urges a NO vote to retain the separation and balance of powers among the three branches of the NH government.

Question 3 was proposed pursuant to Part II, Article 100 of the New Hampshire Constitution.

“Shall there be a convention to amend or revise the constitution?”

In 1964, voters amended the constitution to allow the Legislature to propose amendments. Thus having a special constitutional convention is no longer necessary, as it once was, to update the state's constitution. However, by statute, the possibility must be put to the voters every 10 years. Any amendments proposed by a Convention would require 2/3 of the voters in the next general election to vote yes for them to become part of the Constitution, just like amendments proposed by the legislature.

A **YES** vote would require voters to elect representatives to the convention in the next general election.

A **NO** vote means there would not be a constitutional convention within the next 10 years.

Privatization of New Hampshire's Prisons

The League of Women Voters has been working with an informal coalition of organizations and individuals who are concerned about the state's emphasis on privatizing the corrections system in New Hampshire. There were 4 companies who submitted proposals that would allow prison-for-profit companies to build and manage or build and lease back new prison facilities for either men or women (or a hybrid that would house both men and women in separate facilities but on the same site). A report from a consultant with recommendations is due to the Governor in mid-October.

Our coalition has been working steadily to oppose the privatization prison-for-profit effort. We have a website: NHPrisonWatch.org where you can find reports, fact sheets and the latest news on the issue. We believe that significant saving cannot be achieved by the private management of prisons and that any saving would be related to the fact that private prisons pay less, provide less training for staff and do not use the same staff-prison ratios that the state now uses. Prisons-for-profit pay shareholders, they do not make money unless the prison is full so there is less emphasis on rehabilitation and more on keeping beds full. We also oppose sending New Hampshire prisoners out of state or importing other prisoners into New Hampshire.

The League continues to stress our goal of increasing the use of alternative sentencing for women who are non-violent, increase the opportunities for education and vocational training and strengthen the re-entry process so that women have the chance to rebuild their lives.

NH GOP Adopts Strongest - ever Anti-Casino Platform

Republicans at their recent convention adopted their strongest-ever anti-casino platform. "Grassroots party activists have spoken clearly and forcefully against legalized casinos," said Jim Rubens, GSCAEG Chair, GOP convention delegate and chair of the 2000 GOP platform committee. 2013-2014 Platform Language adopted at the state GOP Convention: "Reject expanded casino and video lottery gambling as a means to balance the budget or increase spending" and, "Oppose expanded gambling because of the negative social consequences."

"Regional casino market saturation and local business cannibalization are creating growing doubts among candidates in both parties," said Rubens. "Candidates would be well advised to listen to the experts on local business cannibalization. The saturated gambling market and the four bigger, flashier casinos slated for Massachusetts limit the Southern New Hampshire market to lower-end 'convenience' casinos attracting mostly nearby residents. Rather than bringing promised tourism and out of state money, most New Hampshire casino revenue would be displaced from existing local businesses.

The most recent polling on New Hampshire voter preferences on casinos by Dartmouth College's Rockefeller Center found that 42 percent of those polled opposed legalized

slot machines while 41 percent supported them. **LWVNH opposes expanded gambling in the state.** Please ask candidates for NH governor, Senate and House to oppose this way of funding our government in NH. They need to hear from us. The coming fight will be over casino bills now being drafted by casino lobbyists for next year's legislature.

Get Out the Vote: Here's what YOU can DO

For this election and any other town or special election before September 2013, voters will be asked to present a photo ID. A number of possible photo IDs are acceptable in the coming year (see list below). But please let everyone know that even if they don't have IDs, they still have the right to vote! For the November election, they may be identified by an election worker or they may sign an affidavit rather than present an ID.

Spread accurate information about the various options of voter ID for the November election. Voters will have **two options** to get a ballot at the polls:

- show a valid photo ID to the Ballot Clerks **OR**
- Sign an affidavit confirming identity.

Acceptable photo IDs include the following—you will be asked for only ONE ID:

- Driver's license from NH or any other state (current or expired);
- Non-driver's photo ID from NH;
- US armed services ID card;
- US passport (current or expired);
- Any other valid photo ID from a government entity;
- Valid student ID card;
- Other photo ID acceptable to moderator, supervisor of the checklist, or town clerk;
- Verification of a person's identity by the moderator, supervisor of the checklist or town or city clerk.

Drive people to the polls. Offer to pick up and drive people who don't have transportation.

Explain absentee voting to those who can't get out.

Help people get a non-driver's photo ID. If you know people who may be elderly or disabled and don't have a license or other ID, you can offer to take them to the town clerk's office for a voucher for a free photo ID. Then continue your outing and take them to the DMV for the ID

Urge registering in advance. Start now urging procrastinating acquaintances or grandchildren to go to the town clerk's office. Last day to register in person before election day is October 27. Then the voting lists are frozen until election day.

Remind people of same day voter registration. It is still possible to register the same day you vote. Take the best ID and proof of age, citizenship and residence. Even without all necessary documents an affidavit may be signed.

Supporting the work of the League

Donations from members to support the work of the state League, especially this year as we print and distribute thousands of flyers to inform the public about voter ID and registration, are always appreciated. We thank you, sincerely.

We also thank non-League members who believe in the importance of our work on voter education and protecting voters' rights. Donations have come to the League itself and to the LWVNH Education Fund. Much appreciated they are being put to good use!

The largest of these was \$1000 from the Double E Foundation, a family foundation in Colorado, "whose mission is to support individuals and organizations working throughout the world on issues of social change." The letter to the Education Fund accompanying this unsolicited donation reads: "The Double E Foundation is pleased to support the work you are doing on voter education and citizen participation in New Hampshire with the enclosed check in the amount of \$1,000." Thank you, thank you!

Longtime Manchester Area League members Alice Krasner and May Gruber celebrated their 100th birthdays during this past year. Check out lwvnh.org (About League/History) for a wonderful photo of the two of them at a recent birthday celebration.

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VOTE ON Nov. 6