



LEAGUE OF WOMEN VOTERS
NEW HAMPSHIRE
LWVNH.org

4 Park St Room 200
Concord, NH 03301

January 30, 2017

To Representative Barbara Griffin, chair, and members of the House Election Law Committee:

The League of Women Voters is a nonpartisan organization that never supports or opposes candidates or political parties but does take stands on issues after study and agreement by members. Voting rights and good government are two of our core issues.

House Bill 459 refers to challenges that are made against registered voters on Election Day by individuals or representatives of political parties. It is also used when someone who does not have a photo ID needs to get a picture taken at the polls. The challenged voter, in either case, is someone who is already registered to vote and may even have been voting for years in the same ward. **The League supports the current procedures when someone is registering to vote, but once registered, that person's right to vote has been established. We must not allow that right to be eroded or threatened by unnecessary complications on election day. We fear that HB 459 creates just such unnecessary complications and may also threaten the voter's privacy rights.**

The existing process for in-person challenges is for the person making the challenge to fill out a form (659:27-a Asserting a Challenge) detailing the grounds for the challenge. The Moderator may accept or reject the written challenge. If the Moderator accepts the written challenge, the person being challenged is asked to fill out a form before being allowed to vote:

RSA 659:27, II: Upon receipt of a written challenge, the moderator shall determine if the challenge to the ballot is well grounded. If the moderator determines that the challenge is well grounded, the moderator shall not receive the vote of the person so challenged until the person signs and gives to the moderator a challenged voter affidavit in the following form: I, _____, do solemnly swear (or affirm) under penalties of voter fraud, that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), and have a legal domicile therein. My telephone number (requested but optional) is _____, and my email address (requested but optional) is _____. If the moderator determines that the challenge is not well grounded, the moderator shall permit the voter to proceed to vote.

New Hampshire's current process for making an in-person challenge and the process for reviewing the challenge has been cited as an exemplary system by many national groups that review state voting and election laws.

The League believes that House Bill 459 adds unnecessary paperwork to election day procedures. All of the information required to register to vote is already included on the voter registration form. Making people spend time duplicating all the information they have previously provided will just cause delays on election day. The current document signed by a challenged

voter (RSA 659:27, II) directly addresses the questions of identification and domicile. None of the additional information proposed in this bill adds any new, relevant information.

The League is concerned that the language about penalties included in the form is unnecessary. Someone who does not own a photo ID or who has just been publicly accused of voter fraud would likely find the language very intimidating. Since they've already signed a legal document (the voter registration form) that contains a warning about penalties for any false statements, why should they be asked to sign the same warning again? We also question why the language about penalties is included on the form the challenged voter fills out, and not on the form used by a person making a challenge at the polls. The presumption of innocence in America is always for the accused. The language in this bill could be seen to imply that the challenged voter is guilty.

The challenged voter form proposed in HB 459 does not seem to be subject to the confidentiality requirements of 91A, which do apply to the voter registration form. Making all this personal information public could very well subject people to voter intimidation or other forms of harassment.

The League also believes that voters should never be told they are required to provide a phone number, as this bill does. Owning a phone is not a requirement for the right to vote.

The League of Women Voters NH opposes HB 459 and we urge the House Election Law Committee to vote *Inexpedient to Legislate* on HB 459.

Respectfully submitted,

Liz Tentarelli, president, League of Women Voters NH
(contact: home phone 763-9296 email LWV@kenliz.net)