

Questions one might ask about the election law bills being heard Feb. 7 & 8, 2017

The members of the Election Law committee can be reached via email on this site:

<http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H36>

HB 372

This bill would redefine who is considered to live in New Hampshire for voting purposes. The real target is students, but members of the military and several other groups of people would be prevented from voting here under the new definitions.

How does this change in the laws surrounding proof of domicile tie into all the other changes being made? There are a number of bills submitted, and some of them seem to conflict with other bills. With this piecemeal approach to rewriting election laws, how are we supposed to know what the final product will look like and what it will do?

Wouldn't this bill prevent hundreds of active members of the military who are stationed here for two or three or more years from being able to vote here while they live here?

Wouldn't a member of the military who owns a home in Virginia but rents it out while he or she lives in New Hampshire for three years be prohibited from voting by this bill?

Shouldn't members of the military be able to vote for school boards that affect their children's lives for the two or three years they live here? Or, for the state representatives that pass laws that affect them every day during the years they live in New Hampshire?

Why should members of the military be treated any differently from the majority of Americans who move, on average, every four years? Just because members of the military may not be able to meet the requirement of "**to the exclusion of all others**" because they are serving their country, does that mean they should lose the rights other citizens have to vote where they are actually living?

HB 402

This removes New Hampshire vehicle registrations from documents that can be used to show a voter lives here.

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Wouldn't it be better for you to put all the changes you want to make into one bill so we can see what it is you are trying to do?

Why, with all the emphasis in most of the bills we're seeing this session on having official government documents for everything, why would we want to remove motor vehicle registrations from the list of official government documents?

Doesn't removing a government issued document from the list of acceptable proofs, just make it more difficult for people to prove where they live? Shouldn't we be expanding the list instead of narrowing it?

Since most of us do all our business with the government online, isn't removing a tangible, material proof that the government recognizes your domicile just making it harder for people to register to vote?

HB 403

This bill would make registering to vote take longer and cause longer lines on election day. It also asks all kinds of questions that don't really have anything to do with the right to vote.

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Why is the domicile affidavit expanded for election day registrations when all the information necessary to prove a person's qualifications to vote have just been sworn to on the voter registration form?

Won't getting rid of the check-off system currently being used on election day and having voters fill out a duplicate of the information they gave to the Supervisors of the Checklist just cause a slowdown on election day?

Since there is no requirement to own a telephone in order to be qualified to vote, why are you requiring one? Isn't that a poll tax?

How would someone know the name of the person who owns a rental building? Most are listed as businesses, not names.

What possible reason could anyone have for wanting to know whether someone is renting from a friend, living in a house owned by a spouse, leasing from your brother-in-law's best friend from college or any other "relationship" you might have with the owner of property where you live?

Isn't the question about one's relationship to whoever owns the place where you live bizarrely intrusive?

Where in the Constitution does it say that who owns your domicile is a qualification for voting?

Why would you care if someone has a written rental or lease agreement? What does that have to do with being qualified to vote?

HB 404

This bill tries to get rid of the constitutional requirements for the right to vote without bothering to actually amend the constitution.

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Aren't you just trying to rewrite the New Hampshire Constitution without going through the process of a Constitutional amendment?

The first two sentences of Article 11 of the Constitution seem pretty clear on who may vote: "All elections are to be free, and every *inhabitant* of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered *an inhabitant for the purposes of voting* in the town, ward, or unincorporated place where he has his *domicile*."

Don't all the references in the New Hampshire Constitution to voting refer to inhabitants and domiciles? Do you think the people who adopted the Constitution didn't know what they were doing when they used the words *inhabitant* and *domicile* and not *resident, resident of the state, legal resident, or legal resident qualified to vote*?

If you think the words in the Constitution are wrong, shouldn't you submit a Constitutional Amendment instead of trying to change the Constitution by RSA?

HB 465

This bill tries to make selling a house and moving a disqualification for voting wherever the person may move to. It also tries to tie paying taxes to the right to vote.

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The reference to filing taxes as a resident of another state is confusing. If I lived and earned money in another state for the first two months or last year, that state would expect me to pay resident taxes. Does that mean, even though I lived here for 10 months, I can't say I live here for voting purposes?

Why would selling and moving be a disqualification for voting? If I sell a house in my town and move to another house in the same town, why do I lose the right to vote? Does that make sense to anyone? Are you saying I have to again register to vote and prove I'm qualified to vote just because I moved?

Aren't regulations that require disclosures of financial status considered a poll tax?

HB 639

This bill would prevent anyone who doesn't have a photo ID or other documentation from using an affidavit to register to vote except on election day.

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Doesn't this bill violate the New Hampshire Constitution's guarantee that every inhabitant shall have an equal right to vote in any election?

Why would an affidavit that can be used on election day, not be used any other day by a person registering to vote?

Doesn't this bill just make it harder for people to understand the regulations on registering to vote?

Doesn't this bill make it harder for someone who is disabled and doesn't have a driver's license to register to vote before election day at the Town Clerk's office in order to avoid having to stand in line on election day?

Isn't it true that this bill forces anyone who may not have all the documentation about qualifications to register to vote to register on election day? Wouldn't this prevent people who may be out of town on election day from registering with the Town Clerk so the person could use an absentee ballot for the election?

Won't this cause longer lines at the polling place and because of the long wait times force some people to forgo voting altogether?

HB 651

Adds new reasons to charge people with voting fraud including whether they lie about who lives in their domicile (which doesn't make any sense).

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The change under (g) appears to be a repetition of (f) which refers to false answers about qualifications made to election officials. What's the point of putting it in twice since presumably election officials already know what the qualifications are?

Since this RSA refers to answers given by a person who is registering to vote, what possible reason could an election official have for wanting to know who lives with or how many people live with the person who is registering to vote? Who someone lives with isn't a qualification for voting, is it?

HB 552

This bill takes the power to investigate possible election fraud away from the Attorney General's office and gives it to the Secretary of State (who is not a law enforcement officer).

Doesn't the Constitution reserve law enforcement duties to the Executive branch and the Attorney General appointed by the Executive branch and not to the legislature? Since the Secretary of State is chosen by the Legislature, wouldn't this law be unconstitutional?

Since the Secretary of State is chosen by a political, and often partisan, majority of the Legislature, isn't there a danger that citizens will perceive the Secretary of State's investigations to be carried out for political reasons rather than in the interests of law enforcement?

Isn't the Attorney General the proper person to conduct investigations and prosecute cases under the constitution and laws of New Hampshire?

Don't citizens have the right to expect that their rights will be protected if they become the subject of a criminal investigation? Wouldn't there be a danger to the rights of individuals if the Secretary of State who has no training in law enforcement procedures started doing investigations?

Doesn't the Attorney General have to maintain professional conduct standards that don't apply to the Secretary of State? Don't citizens have the right to expect and demand a known level of professional standards from their government in all aspects, including any criminal investigations?

Wouldn't this bill just open up the state to all kinds of lawsuits from citizens who are charged with fraud because of investigations carried out by people who are not properly trained in protecting citizen rights?

Wouldn't it be wiser to properly fund the Attorney General's office and let the trained authorities conduct investigations than to turn law enforcement duties over to an unqualified office?

HB 588

This bill would require anyone who doesn't have an approved government photo ID to vote by provisional ballot and gives the voter four days to get an approved government photo ID and show it to the Town Clerk before the person's ballot will be counted.

Doesn't this bill violate the waiver New Hampshire received from the National Voting Rights Act because New Hampshire agreed to have same-day registration? Wouldn't adoption of this bill require New Hampshire to abide by all the other provisions of the NVRA?

Since same-day registration means that a person can meet the qualifications to vote on election day, how does it make any sense to say that even though you are qualified to vote, we are now going to add a new, different qualification you have to meet before you can actually get a ballot on election day?

Won't this law have the effect of preventing otherwise eligible voters from being able to vote because they cannot get a government issued photo ID in four days?

Is there any government agency that will issue a photo ID in four days? The New Hampshire DMV takes two or three weeks to mail a new driver's license.

HB 642

This bill sets different eligibility requirements for students who want to vote; changes the definition of who lives in New Hampshire for voting purposes; eliminates same-day voter registration; and requires that a citizen live in New Hampshire for 30 days before the citizen is allowed to exercise his or her fundamental right to vote.

Wouldn't this bill violate the special waiver New Hampshire received from the National Voting Rights Act by agreeing to provide for same-day registration?

If we decide to eliminate same-day registration and agree to the NVRA, don't we have to agree to all the provisions of the NVRA like other states do?

Wouldn't it be unconstitutional to require students to meet different requirements for voting than anyone else in the state?

Isn't the new definition of domicile offered in this bill dependent on a person's financial situation? Isn't that a poll tax?

Wouldn't this bill prohibit anyone who is homeless from voting?

SB 109

This bill redefines who lives in New Hampshire for voting purposes and adds many vague and confusing requirements for election officials to try to figure out. It also says a citizen who has met the constitution's requirements to vote must wait at least 13 days before being allowed to exercise the right to vote.

Doesn't this bill violate the US and NH Constitutions?

Hasn't the Supreme Court held that a durational residency requirement (making someone who is eligible to vote wait a certain number of days before being allowed to vote) violate a person's right to participate in the most fundamental right we have – the right to vote?

Doesn't preventing someone who is otherwise eligible to vote from voting because they recently moved, violate an American's fundamental right to live where he or she wants to live?

Isn't it true that the Secretary of State's records from 2000 to 2015 show that there is no evidence that anyone who was not domiciled in New Hampshire voted in New Hampshire?

Doesn't this bill replace what is a rather concise and certainly easily understood definition for domicile with a list of almost randomly inserted language that relies heavily on citizens proving they have financial resources or like to drive or hunt?

Driving and hunting aren't constitutional requirements for voting, so why are they even included?

What does temporary mean? If someone moves here to earn money for 15 years before retiring to Arizona, is that person only here temporarily and therefore, not eligible to vote? Supposing they only live here for two years? Or, 30 years? How will an election official know how to interpret temporary?

What is the definition of home? For many people it's where they grew up even if they haven't been there for 30 years. How is an election official to know what constitutes a home?

Won't this confusing list of factors in establishing a domicile make it likely that citizens across the state will be held to different standards because election officials will be left to guess what criteria are important in determining who lives in New Hampshire?

Won't this list result in eligible citizens who don't understand the confusing new definition for domicile forgo voting because they falsely believe they do not have the right to vote?