

(Domicile Bill – SB3)

The House Election Law Committee held an approximately six hour hearing this week on SB 3 the bill that would establish new requirements to prove domicile when registering to vote. The committee heard from dozens of speakers on both sides of the issue. Supporters generally stated that the state's current domicile requirements are too lax and essentially allow anyone to vote, while many opponents claimed that the bill would discourage qualified voters from registering because of its burdensome requirements.

A number of local officials also spoke against the bill because of the **new obligations it would impose on election officials and because of concerns that the complicated registration form would lead to delays and confusion at the polls.** While we share those concerns, we have identified additional problems in the past week, as we have struggled to understand how the bill will actually work. Unfortunately, it seems that neither side has focused very clearly on the details of the bill. **We believe there are serious problems with the bill's mechanics, to the point that it would be almost impossible to implement.** This is most likely because the bill went through the Senate quickly and was completely rewritten twice in the process. While that is understandable, the problems are now becoming clear, and it would be irresponsible for the House to let the bill go as it is.

[Technical points about the bill's use of two different registration forms, with the general comment that the confusion will affect town clerks and others registering people.] Under the bill, a standard voter registration form would be used to register at most times during the year (as it is under current law). However, a different form, the state general election day registration form currently used only when registering at the polls on the day of a state general election would be used not only at the state general election, but also when anyone registers within 30 days before any election (town or city election, state primary, state general election, presidential primary); but the standard form would still be used to register on the day of any election other than the state general election.

So . . . in a presidential election year, the standard registration form would be used until 30 days before the presidential primary, then the municipality would switch to the general election day registration form. On the day of the presidential primary, it would switch back to the standard form --unless the presidential primary occurs 30 days or less before the town meeting, in which case the town would continue to use the general election day registration form until town meeting day, when it would switch back to the standard registration form. (If the town meeting occurs more than 30 days after the presidential primary, there would be another round of switches.) The town would switch again to the general election day registration form 30 days before the state primary, and on the state primary day it would switch back to the standard election form, which it would use until 30 days before the general election, when it would again switch to the state general election day form. The day after the general election, it would switch back to the standard registration form. Of course, the calendar would be different in a city.

Things get even more complicated when we consider the bill's requirements for proving domicile. Anyone registering "in advance of an election" -whether one day, 30 days, or 100 days -must either present one of several listed documents (driver's license, vehicle registration, etc.) or present "other reasonable documentation" to establish domicile. Someone who does not have "reasonable documentation" would not be able to register --he or she would have to return with the documentation, or register at the polls on election day.

A person registering on election day--any election day--who does not have the necessary documentation could initial a statement saying that he or she will mail the documentation to the clerk within 10 days. This statement appears only on the general election day registration form, not on the

standard registration form. Thus, the bill allows someone registering on any election day to establish domicile by initialing a statement on the general election day registration form, even though that form would not be used to register at elections other than the general election. On the other hand, someone registering within 30 days before any election would not be permitted to establish domicile by initialing that statement, even though that statement is on the form that would be used to register during that period--i.e., the general election day registration form.

It will be virtually impossible for clerks and supervisors of the checklist to keep these requirements straight--and this is just the beginning of the confusion.

The bill contains contradictory statements

about what the supervisors are to do when a voter fails to present the required documents after an election, and even contradicts itself regarding what action is, or is not, sufficient to establish domicile. It also fails to amend the section of the law that says the standard registration form is to be used at all times other than at the general election so there will be directly contradictory provisions about which form to use in the 30 day period before an election.

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Several people stated at the hearing that 47 other states require solid proof of domicile before a person may vote. If that is true, surely some of those states have laws that are less complicated --perhaps we could borrow one. As we have stated before, the next state election is a long time off, and there is no need to rush this bill. **Assuming legislation is necessary at all, we urge the committee to retain the bill for some much needed work over the next several months. Please contact committee members and ask them to slow down the process by either retaining or killing SB 3.**