



**League of Women Voters
New Hampshire**

March 18, 2015

Senator Regina Birdsell, Chair
Public and Municipal Affairs Committee
Re: SB 179, AN ACT relative to eligibility to vote.

Dear Senator Birdsell and members of the committee,

For more than 90 years, the League of Women Voters NH has worked to make sure that the Constitution's guarantee of the right to vote is a reality for the people of our state. Along with providing nonpartisan information about voting, LWVNH speaks out against laws and policies that discourage or even prevent citizens from being able to exercise their right to vote.

The League of Women Voters NH believes that Senate Bill 179 violates the United States Constitution, the New Hampshire Constitution, the Voting Rights Act and the National Voting Rights Act. We won't go into details on all of these because we believe you will hear testimony about these violations from other citizens.

The League would like to point out that the NH Constitution, unlike the Constitutions in many other states, guarantees an equal right to vote to every inhabitant of the state; specifies what exceptions and provisions are allowed regarding voting; and, does not grant the Legislature additional authority to define voter eligibility. We believe that adding a duration of residency requirement to the right to vote goes beyond the Constitution's requirement that a citizen be at least 18 years old and have a domicile in the town, ward or unincorporated place. The NH Constitution clearly describes a domicile as a location a person is attached to in a town, ward or unincorporated place. There is nothing in Article 11 to suggest that a location requires a time period to become a domicile.

There is nothing in New Hampshire's current election procedures that justifies adding such a severe restriction on a citizen's right to vote. New Hampshire's elections have shown fairly consistent turnout over the years, within the expectations of the pollsters and pundits which indicates there isn't a fundamental problem with turnout. In addition, the instances of voter or election fraud are not out of line compared to other states. Election procedures here may be out-of-date compared to other states, but even with our large Presidential Primary elections, the state hasn't suffered the kinds of election meltdowns seen so often in states like Florida or Ohio.

The League questions whether New Hampshire will be able to maintain its waiver from the Motor Voter law if the Legislature adopts SB 179.

In 1993, the federal National Voting Rights Act (commonly called Motor Voter) was signed into law. Section 2 of the Act describes the purpose of the Act:

- To increase the number of registered voters;
- To enhance voter participation;
- To protect election integrity; and
- To ensure states maintain accurate voter rolls.

New Hampshire and five other states were exempted from Motor Voter because they already had in place same day registration, an election procedure that allowed them to meet the goals of the Motor Voter law. The states that were granted an exemption from the Motor Voter law are required to maintain their same day voter registration laws in order to keep their waivers.

Same Day registration increases voter turnout. From 1980 to 2012, average turnout for presidential elections in same day registration states was more than 10 % higher than turnout in other states (68.6% compared to 58.3%)

Same day registration encourages people to vote. Voter interest increases in the last few weeks of the campaign season and most voters make up their minds about voting in the last week or two before an election. Same day registration allows voters who decide late to still take part in an election. In addition, about 36 million Americans move every year and same day registration ensures the right to vote for people who may have moved from one town to another or from one city ward to another ward within a few weeks or days of an election.

Because the voter registration procedure includes documentation for registration, voter databases can be kept up-to-date in a timely manner in same day registration states.

In Motor Voter states, everyone uses a standard voter registration form which they can mail in to register or in some states, fill in online to register. Motor Voter states may require citizens to register in advance of Election Day to provide a time period for election officials to verify information they receive on mailed in forms. No state may take more than 30 days to perform those administrative tasks, and most take less. If a Motor Voter state also has a residency requirement, it may not exceed the administrative period allowed for verification of mailed in voter registration forms.

Same day registration states do not need an administrative period before an election because they can verify a voter's qualifications during the registration process. In New Hampshire, voters must appear in person before an election official and provide documentation that shows they are eligible to vote. That includes documentation of identity, citizenship and domicile. Same day registration states may use their own voter registration forms and they may impose heavy penalties for anyone who commits fraud. Same day registration states like New Hampshire collect all needed information when people register to vote, and therefore don't need an administrative time period to verify voter information. That's why under the terms of New Hampshire's waiver from the Motor Voter law, people who move and need to register or to reregister in the 10 days leading up to an election can do so on election day. The 10-day period

when registration is stopped in New Hampshire is to allow for corrections and printing of the voter list, not verification of mailed in voter registration forms.

We believe adopting a 30 day durational residency period would violate the terms of New Hampshire's waiver under the Motor Voter Act. For more than 30 years, the state has been able to collect documentation, including documentation about a voter's domicile, whether a citizen registers to vote months before an election or on Election Day. Nothing has happened in those 30 years that would justify denying the vote to a life-long citizen of the state who moved from one town to another 29 days before an election or to any voter who moved shortly before an election.

The League of Women Voters believes that if the committee looks carefully at the US and NH Constitutions and the provisions of the Voting Rights Act and the Motor Voter law, they will find that SB 179 does not pass constitutional or legal muster.

We urge the Public and Municipal Affairs Committee to vote *Inexpedient to Legislate* on SB 179.

Thank you,

Liz Tentarelli, co-president
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League of Women Voters NH
LWVNH.org