

Senate Bill 3: Voter Suppression in NH

Fact Sheet - March 2017



Overview

Senate Bill 3 establishes enhanced eligibility criteria to vote in New Hampshire. In addition to living in NH, new voters would be required to prove their domicile intent, suggesting an “indefinite intention to remain” standard that cannot be constitutionally imposed for voting purposes. Voters who do not have or fail to provide domicile documentation on Election Day would be required to return to a government office shortly after the election or mail the documents, failing which they would be considered guilty of voter fraud and subject to a visit by law enforcement and fines up to \$5,000.

Anticipated Effects

- **Cost to voters:** By requiring new voters to affirmatively prove their domicile intent beyond evidence of present domicile, SB 3 imposes new costs on eligible voters when registering at the polls and requires those who fail to demonstrate domicile intent to mail or visit a government office within ten days of the election (30 days in rural areas) with documents they be unable to obtain.
- **Confusion and long lines at the polls:** New lengthy registration forms required by SB 3 and lack of guidance on how eligibility “acts” are to be balanced will result in long lines at the polls, voter confusion, and inconsistent eligibility decisions across the state.
- **Voter intimidation/criminalization:** SB 3 would “prompt a visit” by law enforcement to the address of voters who did not have or provide the documentation of domicile intent on Election Day, and would subject such voters to fines up to \$5,000 for voter fraud for failing to provide documentation, even in the absence of any evidence of wrongful voting.
- **Voter suppression:** Steep penalties and the threat of criminal investigations under SB 3 will deter eligible individuals—especially those who may not have physical proof of domicile because they recently moved—from registering and voting at the polls. Voters who do not provide documentation after the election would be automatically stricken from the rolls.
- **Discrimination against eligible students:** The registration form in SB 3 stipulates eligibility “acts” which are disconnected from Constitution’s domicile voting standard guaranteeing NH students the right to vote. The form expressly omits the “residency at an institution of higher learning” act that exists earlier in the bill—an omission that is likely to disenfranchise eligible NH college students who attended high school in a different state.
- **Unfunded mandate:** Implementing the new requirements under SB 3 could take local elections officials hundreds of additional hours and represents a costly unfunded mandate.

Potential Voters Affected (2016)

- **88,276** Total NH voters who registered in the final month
- **44,341** New voters to NH who registered at the polls
- **32,448** Existing NH voters who moved and re-registered on Election Day
- **6,540** New registrants at the polls who lacked a NH ID
- **4,453** Previous NH voters who re-registered in same town after being purged
- **4,976** New college town registrants who lacked NH ID
- **3,121** New Election Day registrants in Durham/UNH

Sources: ACLU of New Hampshire analysis of SB 3, NH Secretary of State, NH Public Radio