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To: Chair David Cote and members of the House Election Law Committee

From: Liz Tentarelli, president, League of Women Voters NH
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Re: HB106

The League urges passage of HB106, a bill that would reverse last year's HB1264.

The League of Women Voters is a non-partisan political organization that never supports or opposes candidates or political parties. But we do take stands and advocate on issues after study and consensus by members. Voting rights and good government are two of our core values.

Last year we presented testimony in opposition to HB1264. We contend the same arguments exist today to overturn HB1264, an attempt to suppress the votes of some groups of NH citizens. **Please recommend Ought To Pass on HB106.**

Another bill we opposed in 2018, which was obviously intended to keep college students from voting and was soundly defeated, was HB1543. Some of the testimony we presented in opposition to that bill is relevant to HB106 and explains why "for the indefinite future" needs to be reinserted.

The NH Constitution makes it clear that all inhabitants of the state who are 18 or over have an equal right to vote in the voting district where they live. "[Art.] 11. [Elections and Elective Franchises.] 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....." The important words are "every inhabitant" and an "equal right." That means that certain groups or classes of citizens cannot be held to a different standard for voting, which would include people uncertain about where they will live in the future.

In the past several decades, courts, including those in New Hampshire, have held in many cases that **any government restriction on voting must be justified by a compelling government interest and must be necessary to accomplish a legitimate governmental purpose.** Since there is no evidence that college students or others who may be living in our state for only a few years are fraudulently registering to vote, there is no compelling government interest in requiring them to register a vehicle or get a new license.

Below are some statistics and citations of court cases we used last year to oppose HB1543. We realize that today's bill and its cause, HB1264, do not mention college students and we realize they are not the only ones who would be affected by allowing HB1264 to take effect on July 1. But the cases do explain the issue as it relates to these young people.

Court cases over the past three decades have supported the right of college students to choose whether to register to vote in their college towns or in the towns where their parents reside.

Registering in their parents' home town can be problematic for students whose parents view the newly emptied nest as good enough reason to move to another town or state—the student has no reason to view that new location as his or her home, even if the student spends several weeks a year there visiting family. Nor do most students follow the political news from their hometowns or home states as closely as they may follow the up-close and personal appearances of candidates on their college campuses. For these reasons, and because college students are notoriously bad at doing things in advance, such as getting an absentee ballot application in the mail, in time, to their town clerk “back home,” many college students choose to register in the town that is home for 9 or more months a year. They want the excitement of voting in person. If that will encourage more young people to vote, I'm all in favor. *HB106 can restore the rights of young people to make this choice freely.*

Voting statistics:

Overall voter turnout of 60.2% of the adult citizen population in 2016 (as reported in The Hill 3/16/17) decided the fate of the Presidential election. An even smaller number, typically 45% of eligible citizens overall, decide mid-term elections.

In the important and hotly contested Presidential election of 2016, only 46 % of eligible voters ages 18-29 voted, based on self-reported surveys. If those numbers are accurate, they show a slight increase over similar surveys in 2012 (1.1% increase in that age group). (source: Census Bureau project reported in <http://www.electproject.org/home/voter-turnout/demographics>)

I tried to find data for just 18-24 years olds (college students and other first time voters) for 2016 but couldn't. The best I can do is report about the well-researched mid-term election of 2010, where the age ranges were finer. Among young eligible voters ages 18 to 24 years, a mere 21 percent of them showed up to vote in 2010.

We urge you to pass HB106 to reverse the chilling effect of HB1264 on young voters--we want them to begin a lifetime habit of voting.

Some court cases of relevance to HB 1543: (and, by extension, to HB106 in 2019)

(these are federal cases):

--The Supreme Court, in a 1979 ruling in Symm vs. the United States, upheld college students' right to register to vote at either their college address or their previous home address. That case dealt with the policy [similar to a more recent policy in Greenville county, SC, which is also facing court challenge] of a voter registrar in Texas to issue questionnaires to college students who registered using their campus address. [The questionnaires in SC were an 11-question form mailed to every college student who lists a campus address as their legal residence that asks questions like where they bank, where they attend church, what ties they have to the community or where their parents live.]

-- a 1991 case with Skidmore College students. The US District Court in New York ruled on behalf of the students. In October 1988, the Saratoga County Board of Elections rejected nearly 170 students who attempted to register to vote, on the basis of their residence in campus housing. Ten students responded by filing a lawsuit against two county election commissioners. A month later, a federal court ruled that the students could indeed vote in Saratoga in the 1988 elections. The same plaintiffs sought a more conclusive judgment, which came in the form of a December 1991 US District Court ruling [LEVY v. SCRANTON No. 88-CV-1103] that granted “all Skidmore College students who have

applied or will apply to register to vote as residents of dormitories or other on-campus housing” the right to do so.

NH State Supreme Court case:

--The language of HB1264, although receiving an advisory ruling of constitutionality last year, might be ripe for a court challenge. Because it forces a consideration of the person’s length of time in the state, it would seem to go against the ruling in *Newburger v. Peterson*, 344 F. Supp. 559 (D. N.H. 1972). That ruling struck down a New Hampshire law that disqualified a citizen from voting for having a “firm intention of leaving that town at a fixed time in the future.”

Passage of HB106 will remedy that and save a messy court challenge over HB1264.
