



**League of Women Voters  
New Hampshire**

April 7, 2015

Rep. Kathleen M. Hoelzel, Chair  
House Election Law Committee  
Re: SB 179, AN ACT relative to eligibility to vote.

Dear Rep. Hoelzel 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, the National Voting Rights Act and important court rulings.

The NH Constitution, unlike the Constitutions in many other states, guarantees an equal right to vote to every inhabitant of the state and specifies what exceptions and provisions are allowed regarding voting. We believe that adding a duration of residency requirement to the right to vote goes far beyond what the Constitution would allow. The Constitution says an inhabitant must be at least 18 years old and domiciled in the polling district. It also allows exceptions for people who can't get to the polls on Election Day. There is nothing in Article 11 to suggest that a person cannot be a citizen of the state if they are domiciled here less than 30 days or that the Legislature has the power to add this entirely new provision to the right to vote.

New Hampshire's current election procedures don't justify adding such a severe restriction on a citizen's right to vote. Our 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 extremely rare and certainly 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 Election procedures here may be out-of-date compared to other states, but even with our large Presidential Primary elections, the state hasn't suffered the kinds of election meltdowns seen so often in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.

The federal National Voting Rights Act (commonly called Motor Voter) was signed into law in 1993. 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 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 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 can be mailed in or filled in online. 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.

The Supreme Court ruled in 1972, that a durational residency requirement for voting violates the US Constitution's 14<sup>th</sup> Amendment. It also ruled that a state could close the registration window for registering to vote if it could show a compelling administrative reason, and that no state could take more than 30 days for administrative work before an election. States may not impose a durational residency requirement that exceeds the administrative period.

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 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 period to verify voter information. 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.

Three of the six states that are exempt from the Motor Voter Act have a provision for residency built into their constitutions. New Hampshire does not, and New Hampshire has shown over the course of 22 years that it doesn't need more than 10 days to correct and print the checklists.

New Hampshire's voter registration process is the most stringent in the country. For the past fifteen years, there have been a total of six cases of voter fraud in New Hampshire, and not one of them has involved a so-called, "drive by voter." Clearly there is no need for a 30-day residency requirement.

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

We urge the House Election Law Committee to vote *Inexpedient to Legislate* on SB 179.

Thank you,

Liz Tentarelli, co-president  
Sally Davis, co-president  
Joan Flood Ashwell, election law specialist  
League of Women Voters NH  
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