



LEAGUE OF WOMEN VOTERS
NEW HAMPSHIRE

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To: House Election Law chair Barbara Griffin and committee members

From: Liz Tentarelli, president, League of Women Voters NH
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Testimony opposing SB438 as written.

As a non-partisan organization supporting the rights of voters and the principles of free and fair elections, the League of Women Voters New Hampshire supports the intention of this bill to standardize the procedures to be followed in the event that weather or other emergencies require postponement of an election. Thus we support **part VI Postponed elections shall be subject to the following:...**

We also agree that **part VII** works to mitigate the effects of an unforeseen emergency that makes the polling place unusable.

We also agree that **Part 3 Local Elections; Times. Amending article RSA44:11** makes the cities and towns equally subject to the provisions in the bill.

The odds that major snowstorms would hit New Hampshire two years in a row are not astronomical but certainly served to show us that procedures for postponement need to be in place, to be acknowledged by all entities, to be reasonable, and to be published.

What League has trouble with is the fact that this bill makes the decision of holding or postponing local elections subject to the Secretary of State deciding for a town whether or not it is safe to hold an election as scheduled.

March 13, 2018, revealed the Secretary of State's position. He said publicly on television that elections cannot be postponed. He was fine with having towns postpone the so-called "meeting" part if they felt it was necessary, but he would not allow postponement of the election.

As reported by NHPR the day before the election: **"New Hampshire law does not contain a provision that authorizes any public official to postpone an election,"** [the Secretary of State and attorney general's office wrote in a March 6 memo to municipalities.](#) *[emphasis added]*

Which brings us to the point: why have this bill at all if the Secretary has already decided no elections will be postponed?

SB438 statement of purpose on page one says in part "Full participation [in the voting session] typically requires only a few minutes at the polls and the voter can vote at any time during the hours when the polls are open." True enough, but it ignores the very real fact that getting to the polls during a snowstorm takes far more than a few minutes. It includes waiting for the plowing service to clear one's driveway (or getting out there with snow blower or shovel oneself), then negotiating snow-covered roads to the polls, finding a parking space as the town crews work to keep the parking cleared for

voters, then walking from one's car to the polling place on snowy or icy walkways that the same road crews are feverishly trying to keep cleared, then heading home again and hoping that the road crews haven't blocked access to one's driveway.

I rarely think of myself as a little old lady, but when I am faced with driving under these conditions, I definitely am. Secretary Gardner may drive a big 4-wheel-drive vehicle for all I know; I have a little Toyota. It is not good in snow...and neither am I. In the statement of purpose Part V is this statement: "Elections should be postponed only in extraordinary circumstances where there is a clear, imminent, and serious threat to public health or safety." If 27 inches of snow do not pose a clear threat to public safety, in the minds of the Secretary of State, I wonder what does. *[see appendix for the snow totals, both when the polls were still open and by the end of the storm.]*

SB438 expands the authority of the Secretary of State over local elections and decision-making in a way that makes me very nervous. It seems both paternalistic-- "don't postpone. Why? Because I say so"-- and also arbitrary, yet one more attempt to determine who votes and who doesn't. In this case, only those people who are hale and hearty and drive pick-ups, perhaps. Forget the elderly, who refuse to lie on absentee ballot applications declaring they are "disabled" when they are instead very reasonably concerned for their safety and their ability to get out, drive and walk in very bad weather.

As for the distinction between the election on March 13 and the "meeting" afterwards, which SB438 attempts to delineate rather arbitrarily, one need only look at the pages in your town's Report. After the questions on the warrant being voted on in the voting booth, the next sentence reads: "The Town shall recess the business portion of the meeting until [day, date, time, place]." Then follows the budget and other items to be discussed and voted on. To the League, "recess" implies a break in the proceedings, not another entity to follow. The town warrant is one entity that includes the election of town officers and whatever zoning ordinances follow plus the in-person business portion. I question why the Secretary of State believes he should make that separation, and I ask the committee to raise that question.

I have appended several news reports just before and after the March 13 election and snowstorm for your consideration, with quotes by the Secretary of State and the state elections attorney Mr. Broadhead, as well as the snow totals, the letter sent out by Mr. Gardner on March 6 and the letter sent by the Attorney General to the town of Washington following their postponement, telling Washington election officials they'd been grounded.

Of particular note is the first item appended, the WMUR article with the following quotes from Secretary of State Gardner:

Last year's storm caused many communities to postpone voting, causing a rift between state officials and town clerks. Secretary of State Bill Gardner said there are no excuses this time, and people should be prepared to brave the weather to head to the polls.

"We don't have snow days for elections," Gardner said. *[emphasis added]*

Gardner said that under current state law, New Hampshire cities and towns cannot postpone Election Day voting because of weather. **"At the state level or at the local level, meetings can be postponed but not elections that have official ballots," Gardner said. *[emphasis added]***

In closing, I ask why the Legislature is even bothering with this bill if the Secretary has already decided for you that no postponements will occur?