



October 6, 2021

Hon. Barbara Griffin
Chairman, Committee on Election Law
New Hampshire House of Representatives

Dear Chairman Griffin:

Fair Elections Center¹ writes to reassert its opposition to HB 362, which is currently scheduled for a hearing on Wednesday, October 6, 2021 after being retained by the Committee earlier this year. Since 2012, Fair Elections Center has operated Campus Vote Project to help students understand and exercise their right to vote. This bill would make it harder for students to participate in democracy, and the Center respectfully requests that this letter be entered into the record as written testimony.

HB 362 eliminates the provision of existing law that allows students to claim domicile for voting purposes in their college town and explicitly prevents voter registration applicants from proving domicile in New Hampshire by showing that they reside at a college or university address in the state, thereby rendering them ineligible to vote at any school address. Such a rule would potentially violate fifty years of federal court decisions holding that laws creating different voter registration requirements for students, based solely on their student status, offend the U.S. Constitution.² It could also run afoul of longstanding Supreme Court opinions invalidating voting registration requirements that punish people for exercising their constitutional right to interstate travel,³ because Americans “who elect to become permanent residents” of a new state have “the right to be treated like other citizens of that [s]tate.”⁴

¹ Fair Elections Center is a national, nonpartisan voting rights and election reform 501(c)(3) non-profit organization based in Washington, D.C. Its mission is to use litigation, education, and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration.

² *Symm v. United States*, 439 U.S. 1105 (1979); *Newburger v. Peterson*, 344 F. Supp. 559 (D.N.H. 1972).

³ *Dunn v. Blumstein*, 405 U.S. 330 (1972).

⁴ *Saenz v. Roe*, 526 U.S. 489, 500 (1999).

This legislation does nothing to advance election security and administration in New Hampshire. It is a naked attempt to disenfranchise otherwise eligible voters, one which will likely cost taxpayers thousands of dollars to defend in court—funds that would be better spent preparing for next year’s elections and building upon New Hampshire’s already impressive voter turnout rates. For these reasons, Fair Elections Center urges the Committee to vote no on HB 362.

Thank you for allowing Fair Elections Center to express its opposition to HB 362. Should you have any questions, I can be reached at caguilera@fairelectionscenter.org or (202) 331-0114.

Sincerely,

Cecilia Aguilera, Counsel
Fair Elections Center
1825 K St. NW, Ste. 450
Washington, D.C. 20006