



January 20, 2022

Hon. James Gray
Chairman, Committee on Election Law and Municipal Affairs
New Hampshire Senate

Dear Chairman Gray:

Fair Elections Center¹ writes to express its opposition to SB 418, which is scheduled for Committee review on January 20, 2022. The Center respectfully requests that this letter be entered into the record as written testimony.

SB 418 would alter the voter registration process by creating a new provision requiring a voter to cast an “affidavit ballot” if the voter’s “name is not on the voter registration checklist for that town, city, ward, or district, or if such voter does not have a valid photo identification establishing such voter’s identity and domicile in that town, city, ward, or district...”. Under current law, a voter’s photo ID does not need to bear a current address reflecting the voter’s domicile, and voters who lack photo ID may instead execute an affidavit under penalty of law. *See* RSA 659:13(I), (II). Although the bill provides a process by which a voter with qualifying identification can submit copies of it, thus allowing election officials to count the voter’s affidavit ballot, it does not outline a way for a voter who does not appear on the checklist or who does not have qualifying identification to have the person’s affidavit ballot counted. In this way, SB 418 appears to eliminate universal same-day registration, which would subject New Hampshire to the federal National Voter Registration Act and deprive it of its long-cherished independence in deciding its own election rules.

Last year, the New Hampshire Supreme Court struck down SB 3—a law passed in 2017 that also complicated the registration process for student voters—because it unreasonably

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. Since 2012, Fair Elections Center has operated Campus Vote Project to help students understand and exercise their right to vote.

burdened the right to vote, as enshrined in the state constitution.² The Supreme Court agreed with the trial court's ruling that, among other issues, SB 3 confused voters and election workers, including by driving away eligible student voters who did not believe they had the proper documentation to register. It also threatened to create long lines at the polls and additional administrative burdens for election officials.

The Supreme Court's ruling made clear that election laws should add more—not less—clarity around voter eligibility rules and facilitate, rather than hinder, the registration process. SB 418 would violate this principle by removing universal same-day registration and an eligible voter's ability to register by signing an affidavit and cast a regular ballot—a method relied on by many young voters, who often lack the necessary documentary proofs of qualifications to register. It will also lead to increased burdens for administrative officials and likely result in longer lines at polling places. SB 418 is wholly unnecessary in light of New Hampshire's proven track record of running secure elections and would erode voters' confidence in election results by needlessly excluding voters from the democratic process. For these reasons, the Committee should reject SB 418.

Thank you for allowing Fair Elections Center to express its opposition to SB 418. Should you have any questions, I can be reached at caguilera@fairelectionscenter.org or (202) 331-0114.

Sincerely,

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² *N.H. Dem. Party v. Sec'y of State*, No. 2020-0252, --- A.3d ---, at *16 (N.H. 2021), available at <https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-07/2021027-secretary-of-state.pdf>.